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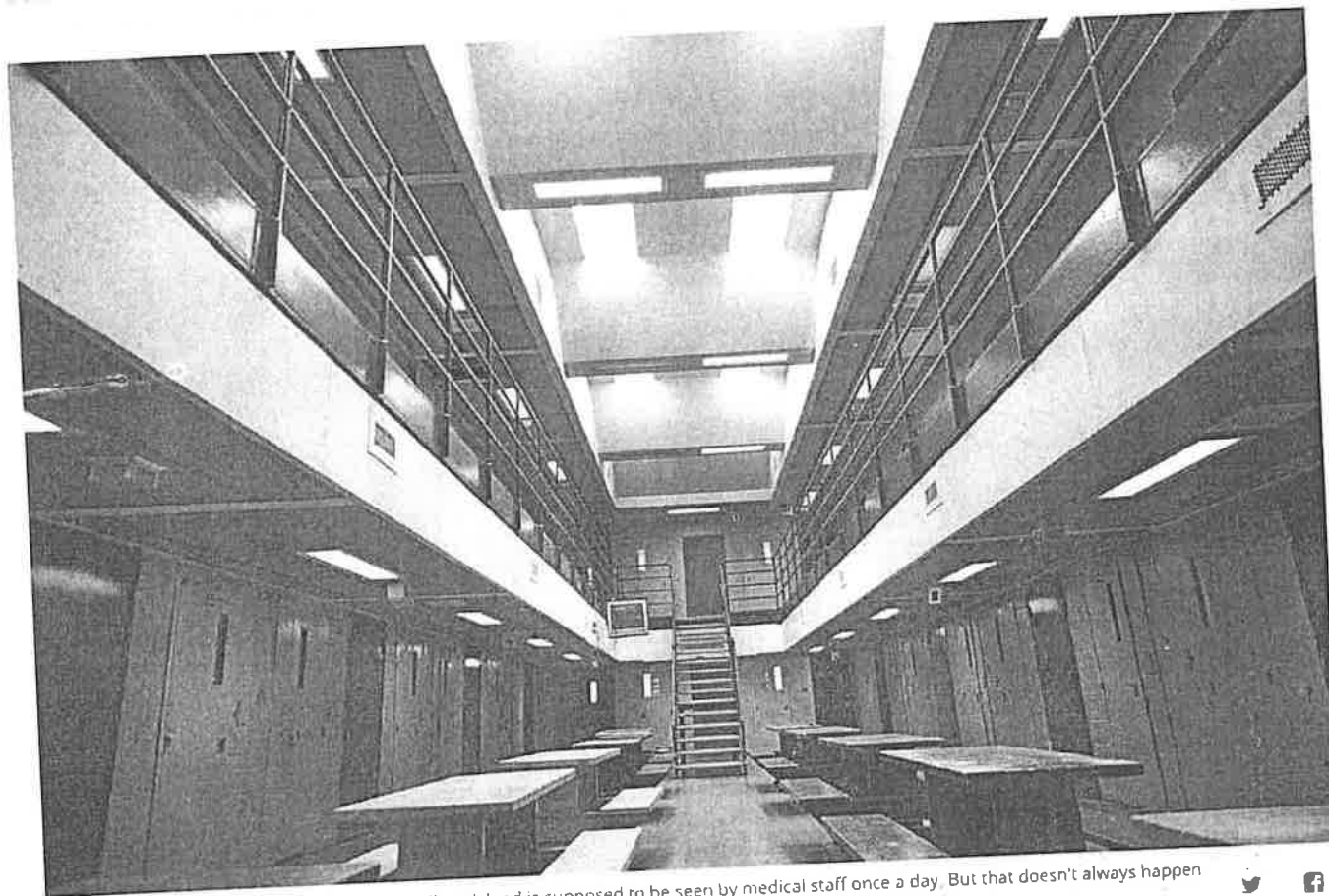


'Total f

# EXCLUSIVE: Medical staff afraid to treat Rikers Island's worst inmates; 'It's scary as hell'



By REUVEN BLAU  
NEW YORK DAILY NEWS | MAR 14, 2017



Every inmate in the eight specialized units on Rikers Island is supposed to be seen by medical staff once a day. But that doesn't always happen because clinicians fear treating violent inmates. (James Keivorn/New York Daily News)



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The city Correction Department's specialized units for its worst behaving inmates are "potentially unsafe" for medical staff to conduct daily rounds, according to a top public hospital official and medical staffers.

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Detainees in the enhanced supervision housing units — which began in 2015 and expanded last year — are allowed to walk around freely, jail insiders say. Now officials are demanding change.

"It's scary as hell," one Rikers Island clinician told the Daily News. "These inmates are not well, (they) constantly self-harm. They don't get adequate mental health care. People ignore them."

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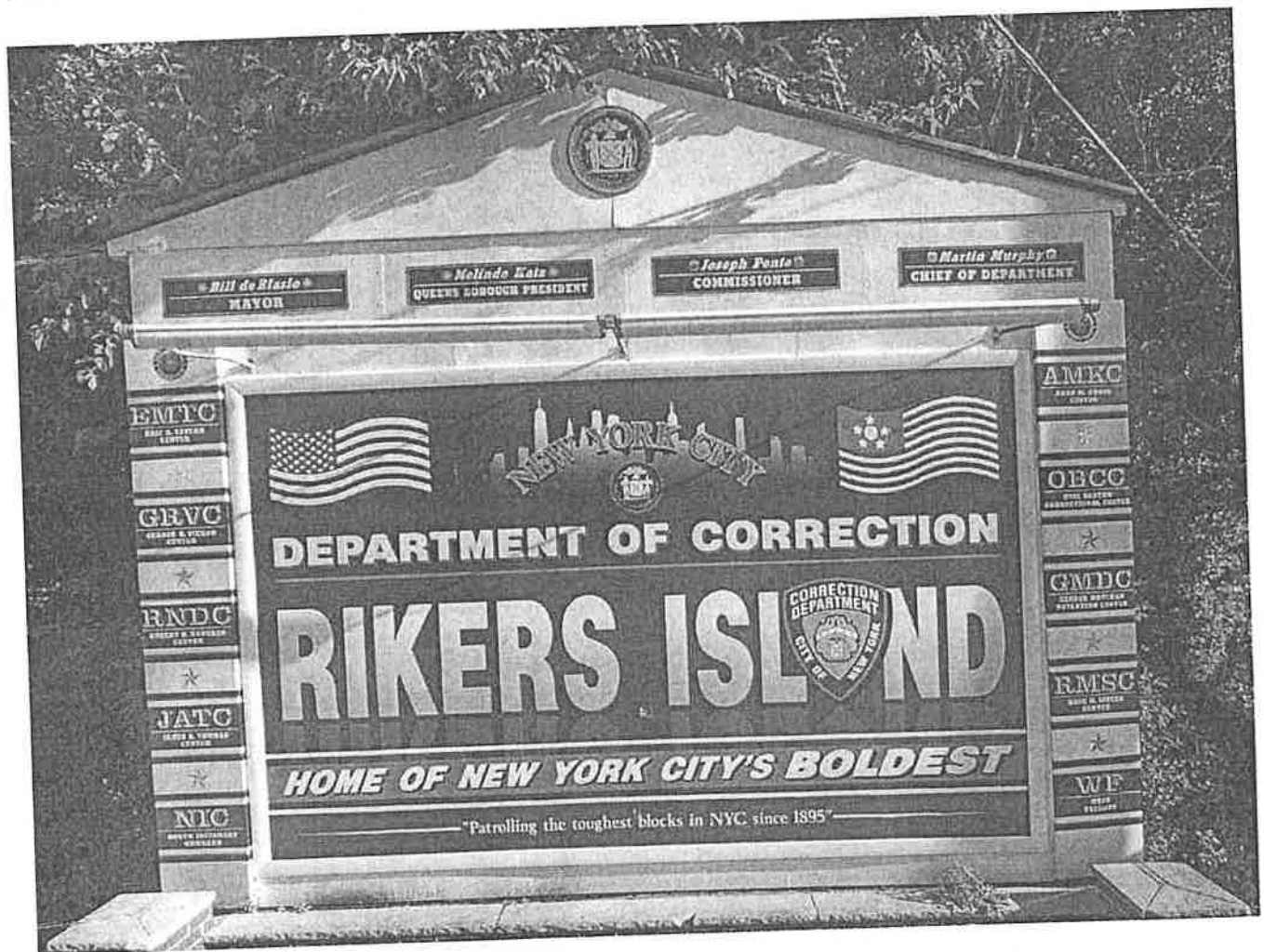


9/5/2018

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When inmates, especially those most in need of medical care, go untreated, the potential for violence increases.

Currently, every inmate in the eight specialized units on Rikers Island is supposed to be seen by medical staff once a day. But that doesn't always happen, sources say. Instead, clinicians frequently claim they are too busy or that there was no officer available to escort volatile inmates.



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So, officials with city Health + Hospitals want to replace those rounds with a system where inmates in the units can request medical care via a written questionnaire. Those who ask for a doctor will then be escorted to a clinic in another area by officers.

Patricia Yang, senior vice president for Correctional Health Services (CHS), made the unusual "variance request" in a March 10 letter to the Board of Correction, the department's oversight body.

"While CHS is unable to perform medical rounds on patients who are not locked-in, it is also unfeasible, and potentially unsafe, for CHS staff to perform rounding while there are patients who are not locked in and moving about the enhanced supervision housing," Yang wrote. "Rounding in this environment is not only clinically problematic, but also raises the risk that confidential patient-provider conversations will be inappropriately overheard."

Clinicians called the proposal to limit rounds "horrible."

They believe the safest way to conduct rounds is to have all the inmates in the unit locked into their cells during rounds.

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Clinicians believe the safest way to conduct rounds is to have all the inmates in the unit locked into their cells during rounds. But that doesn't always keep medical staff safe. (James Keivom/New York Daily News)



But sometimes that's not enough to keep clinicians safe.

"It's like walking the halls of middle school except instead of the occasional bully you have numerous scary looking dudes, huge in size and stature, and usually angry as f---," one clinician said. "If you are afraid of one bully in middle school imagine that on steroids times 100,000. They call us names, tell us they're going to rape our relatives and try to throw (urine) on us when they are locked in while we do rounds."

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inmates who act out. Mayor de Blasio held a press conference inside the first unit created in March 2015. He cited the specially designed housing area as a major element of Correction Commissioner Joseph Ponte's 14-point plan to reduce jail violence and the use of solitary confinement. Each of the units has an average daily population of 97 inmates, according to Health + Hospitals. By comparison, there were 15 inmates in the units last year. Inside, the violent inmates can be locked in their cells for 17 hours a day, but are let out for a multitude of classes and therapeutic programs. Some are forced to sit at restraint desks with their ankles shackled.

Another clinician, who does not work in the unit, noted that some officers assigned to the facility get hazard pay "where medical and mental health staff do not."

The units were started, and expanded, as part of Ponte's move to vastly reduce the number of inmates placed in solitary confinement as punishment.

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"It's like walking the halls of middle school except instead of the occasional bully you have numerous scary looking dudes, huge in size and stature, and usually angry as f---," one clinician said. (Seth Wenig/AP)



Inmate advocates contend that the 23-hour-a-day confinement is a cruel and damaging practice.

The union representing correction officers says Health + Hospitals' request shows there's a need for more officers and that Ponte's reforms are failing.

"It is ironic, however, that the medical professionals, who consistently point out the negative impact of punitive segregation, are now asking for inmates to be locked in their cells so that their staff can be safe," said Correction Officers' Benevolent Association President Elias Husamudeen.

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canceled due to the snowstorm. No new date has been scheduled yet.

Reps for Health + Hospitals and the Correction Department declined to comment.

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### Reuven Blau



Reuven Blau has been a reporter in New York City for 13 years with a special focus on the city's jails, Brooklyn politics and the growing Jewish community. He grew up in Denver, Colorado and graduated from Brooklyn College.

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## Commission of Correction

**THOMAS A. BEILEIN**  
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Commissioner

April 28, 2017

Mr. Joseph Ponte, Commissioner  
New York City Department of Correction  
75-20 Astoria Boulevard, Suite 305  
East Elmhurst, New York 11370

**Re: Substitute Jail Order-NYC DOC  
Facilities as SJO alternate housing**

Dear Commissioner Ponte:

The New York State Commission of Correction has determined that effective immediately, no New York City Department of Correction facility shall be considered suitable to serve as an alternate housing location for inmates from outside the five boroughs, pursuant to 9 NYCRR, Part 7030, Substitute Jail Orders.

This decision by the Commission was based primarily on the extent to which numerous findings of non-compliance with regard to 9 NYCRR, Minimum Standards Parts 7000-7070, first reported to the department during or before 2016, remain as open violations.

Given the critical security nature of the operations associated with these findings, coupled with the extended period during which no substantive, department-wide corrective actions appear to have been implemented, the Commission of Correction concluded that this restrictive step was both appropriate and necessary.

The following findings are a sample of the open violations referenced as being the basis for this decision:

***Part 7003, Security and Supervision***

*7003.3 (a) findings related to the abandonment of housing area security post and failing to maintain active supervision.*

*7003.3 (e) findings that electronic recording devices are not in use*

*7003.8 (f) personally owned firearms are not subject to mandatory inspection*

***Part 7022, Reportable Incidents***

*7022 (a) NYC DOC failed to comply with mandatory reporting of incidents for two month period in 2017*

-2-

**Part 7063, Chemical Agents**

*7063.5 (c) chemical agents was being issued to correction officers whose training certification had expired*

Department officials are advised that upon their implementation of the required remedial actions, SCOC will initiate a reevaluation plan of those related operations in order to determine their level of compliance. SCOC remains committed to working with NYC DOC officials in an effort to ensure that all department facilities operate in a manner that is safe, secure and compliant with all mandated state standards.

Sincerely,

A handwritten signature in cursive script, reading "Thomas A. Beilein".

Thomas A. Beilein  
Chairman

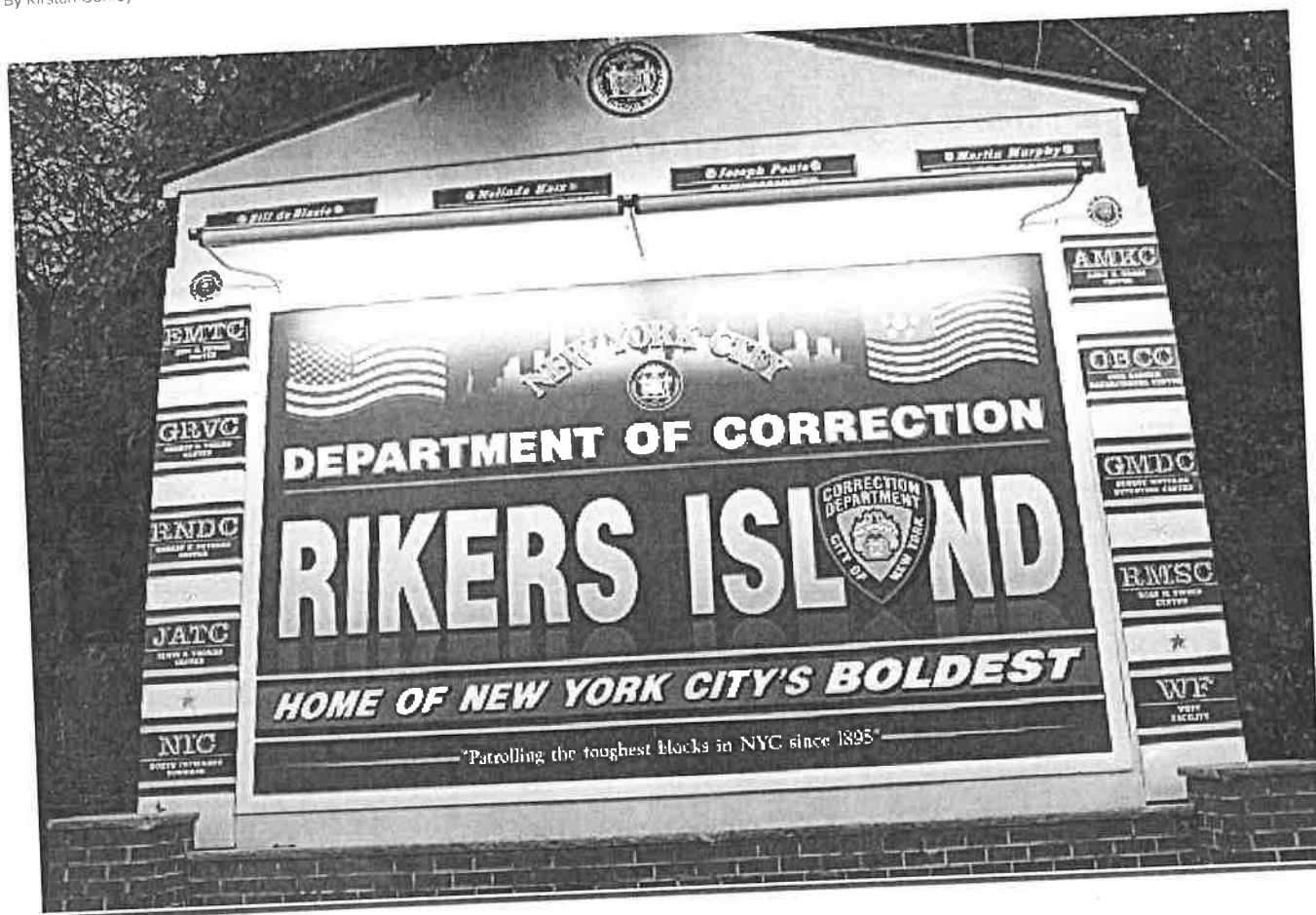


METRO

# Rikers is so dangerous it no longer meets minimum safety standards

May 5, 2017 | 1:03pm | Updated

By Kirstan Conley and Max Jaeger



G.N. Miller

Rikers is too dangerous for some hardened prisoners.

The State Commission of Correction sent a letter to embattled Corrections Commissioner Joseph Ponte last week saying the troubled lockup could no longer take prisoners from jails outside the Big Apple, because it failed to meet minimum safety standards.

Jurisdictions outside the five boroughs sometimes move high-risk prisoners to Rikers, including former corrections guards or gang members who face a significant threat from fellow inmates in their local lockups.

But Rikers is so bad — and the city has flopped so hard on fixes — that state officials would prefer that prisoners take their chances in hostile jails outside the five boroughs, according to the commission's letter.

The decision was "appropriate and necessary" given the "critical security nature of the operations associated with these findings," the letter states, noting that the city has still not corrected many of the problems routinely uncovered by inspectors.

The commission reviewed several years of inspection records at Rikers and found that the city had whiffed basic requirements — it did not staff enough guards, failed to inspect corrections officers' guns, and issued guards weapons for which they were not certified.

The city also dragged its feet reporting inmate deaths and suicide attempts to the state commission, the letter states.

"A few minor issues that are already being addressed provide insufficient grounds to revoke a program that has improved the safety of staff and inmates at Rikers and at jails across the state," said City Hall spokeswoman Natalie Grybauskas, who noted the city has already submitted plans to fix issues identified by the commission's letter.

The state issued the order on the same day it was revealed that Ponte logged 18,500 miles on a city-issued car in just 90 days by making personal trips to his home state of Maine. Thirty-five of those days were workdays.

Mayor Bill de Blasio has repeatedly claimed Ponte did nothing wrong because the commissioner did not know better. On the radio Friday, Hizzoner claimed improvements that Ponte ushered in at the troubled jail are a "hell of a lot more important than whether he accidentally used his car the wrong way."

*Additional reporting by Rich Calder*

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# **Fourth Report of the *Nunez* Independent Monitor**

**Fourth Monitoring Period  
January 1, 2017 through June 30, 2017**

required to achieve the goals of the Consent Judgment heightens the importance of the Department utilizing reasonable judgment in promoting Staff. All promotions should facilitate the culture shift the Department needs in order to be successful.

- **Hiring New Staff:** The Department's Recruitment Unit and Applicant Investigation Unit continue to work together to attract and process unprecedented numbers of qualified candidates to fill increasingly larger recruit classes, resulting in 2,821 graduates from the Training Academy since the Effective Date, and matriculating another 1,203 during this Monitoring Period.

- ***Reducing Violence Among Young Inmates (16-, 17- & 18-Year-Olds)***

Young inmates (those under age 19) contribute a disproportionate share of the Department's use of force and inmate-on-inmate violence. Use of Force rates at RNDC and GMDC have decreased, however, rates of violence during the current monitoring period were largely comparable to those witnessed in January-June 2016. Some of this violence is very serious, involving stabbing or slashing Staff or other inmates. Some inmates, particularly at RNDC, exhibit chronically violent behavior. The Department has established some of the component parts necessary to reduce violence and to develop new responses to Young Inmate misconduct.

- The Department has made a clear and significant commitment to providing programs to Young Inmates to enhance skill development and reduce idle time, both of which will reduce violence and enhance positive youth development. The combination of education services, mandated recreation, Program Counselor-led programming, and programming delivered by community-based partners means

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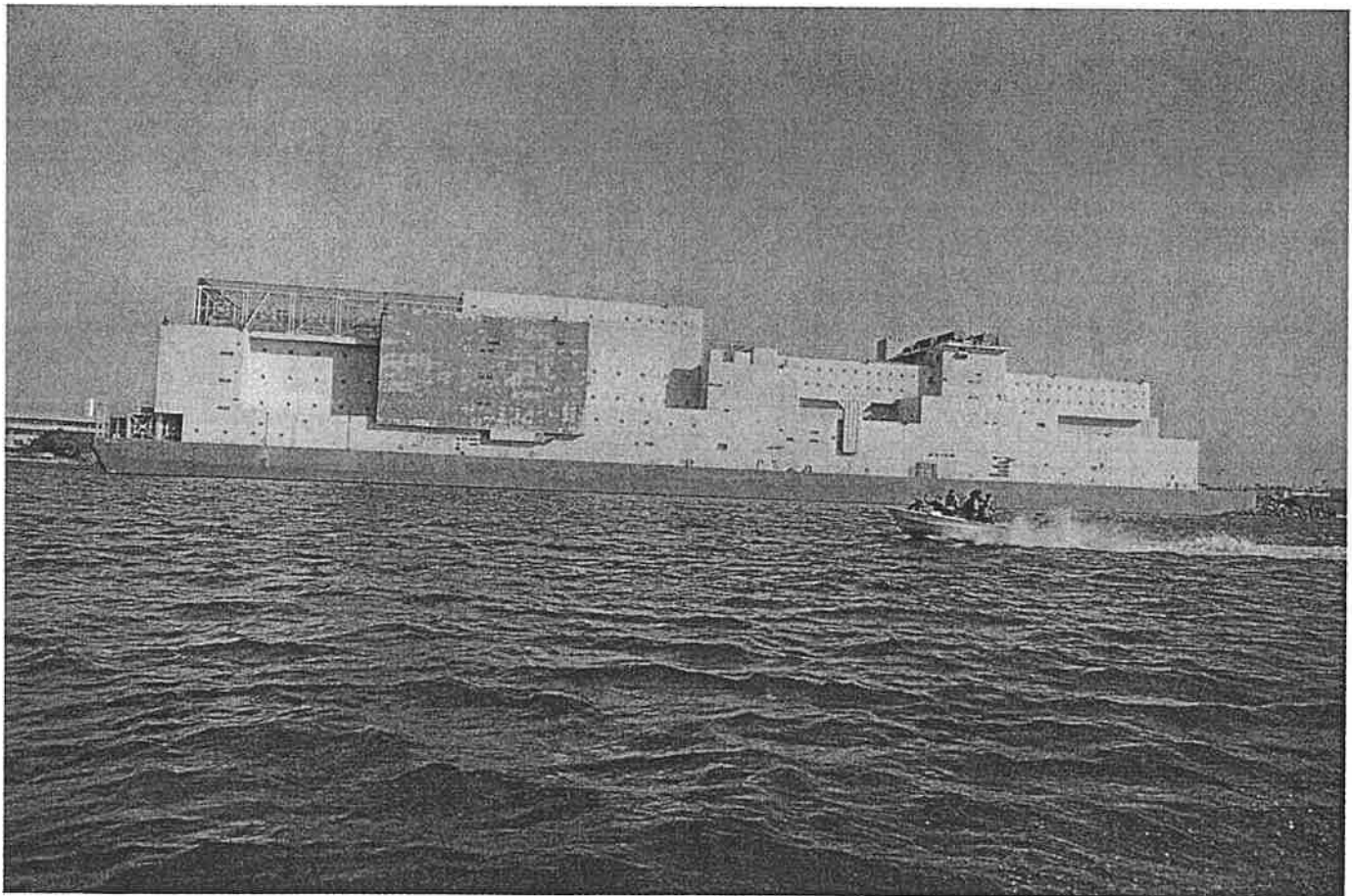
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NEW YORK

# City jails other than Rikers Island see surge in violence



By REUVEN BLAU  
NEW YORK DAILY NEWS | MAY 20, 2018



Violence is up at the Vernon C. Bain Center, where 16 slashings were reported over the last three years. (Jefferson Siegel/New York Daily News)



Violence at the city's three jails that are not on Rikers Island has spiked in the past three years, records show.

The Brooklyn Detention Complex logged 58 stabbings and slashings from 2015 to 2018. The complex only had one during the six years prior to 2015, records show.

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The downtown facility on Atlantic Ave. — which reopened in 2008 — is now considered one of the most dangerous in the city. There have been four slashings at the jail in 2018 so far, records show.

Union officials and inmate advocates — two sides that normally lock horns — have found common ground over the troubling increase in violence in the three jails in Brooklyn, Bronx and Manhattan.

Both sides agree that the city needs to do more than close the 10 jails on Rikers Island to end the violence. The city has plans to shutter Rikers in the next decade and open borough-based detention centers.

"The false narrative that building more borough jails is the magic pill is eviscerated by these stats," said Sidney Schwartzbaum, the former union president for top jail supervisors.

Schwartzbaum and other union officials said that inmates who are violent in the jail need to face stiffer punishments.

"Policies need to change," he said.

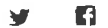
Inmate advocates oppose any major changes to the disciplinary system and are particularly against bringing back solitary confinement for younger detainees.

But they agree that the closure of Rikers will not remedy the long-maligned jail system.

They argue the sweeping shutdown plan must include a major change in the culture of how detainees are treated and handled by officers and medical staff.

"Otherwise, we'll just have four Riker Islands," said Elizabeth Gaynes, CEO of the Osborne Association, a criminal justice reform organization.

The Brooklyn Detention Complex had 58 stabbings and slashings in the last three years. (Bebeto Matthews/AP)



In April, a federal monitor overseeing the department reported that correction officers' uses of force against inmates has gone up over the past two years, despite a series of initiatives designed to reduce those violent encounters.

Steve Martin, the monitor, detailed a series of cases of alleged officer abuses. In some, the officers were never punished after an internal "Rapid Review" team concluded there was no misconduct.

Also, department investigations often take years to complete.

"The department struggles with conducting timely investigations that result in reasonable outcomes," Martin wrote.

As for the Rikers shutdown plan, Gaynes and others point out that the jails off the island will either be totally new, like the one planned in the Bronx, or drastically revamped.

"Rikers Island inherently creates its own dangers because of its design," Gaynes said.

New jails are expected to have more rooms for programs, better air conditioning and heating, and easier access for visitors.

The city's so-called "outer-borough" jails have long been considered relative safe havens where inmates angled to get placed.

That's no longer the case.

The Manhattan Detention Complex had 41 stabbings and slashings from 2015 to 2018, records show. By contrast, there were 14 similar bloody attacks from 2009 to 2014.

Additionally, the Vernon C. Bain Center in the Bronx has been a dangerous place for detainees over the past three years.

The Manhattan Detention Center reported 41 stabbings and slashings from 2015 to 2018. (Theodore Parisienne/for New York Daily News)



There were 16 slashings on the 800-bed floating correctional facility from 2015 to 2018. There were five from 2009 to 2014.

Overall, the violence figures are trending in the right direction for the first time since 2011, jail officials point.

The total number of stabbings and slashings in the entire jail system went down by 15.4% last year, from 155 in 2016 to 131 in 2017.

"This is largely thanks to officers who have been working tirelessly to stop the flow of weapons and contraband," said department spokesman Jason Kerste.



The Brooklyn facility contributed to that drop, going from 29 in 2016 to 14 in 2017, records show.

At the same time, in the Tombs in Manhattan the number went up from 13 in 2016 to 17 in 2017. Similarly, the Bronx figures went from three to eight over that same period.

Elias Husamudeen, president of the Correction Officers Benevolent Association, pointed out that traditionally low-level offenders were moved to the jails away from Rikers.

But there are fewer of those kinds of inmates in the system as the push to reduce the population behind bars progresses, records show.

"They are not there for turnstile jumping, drinking alcohol from open container, or urinating on a park bench," he said. "They are there for attempted murder, gun charges and felony assaults."

"There's a violent culture on the street," he said, "and they are bringing that to the jails."

---

## Reuven Blau



Reuven Blau has been a reporter in New York City for 13 years with a special focus on the city's jails, Brooklyn politics and the growing Jewish community. He grew up in Denver, Colorado and graduated from Brooklyn College.

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**NEWS / NEW YORK****Rikers violence leads to spike in lawsuits, report says**

"Persistent violence" in the system and at Rikers Island, has increased the amount the city pays out in personal injury suits, City Comptroller Scott Stringer said Wednesday, March 2, 2016. This is the Rikers Island jail complex on June 20, 2014. Photo Credit: AP / Seth Wenig

**By Emily Ngo**

emily.ngo@newsday.com  @epngo

Updated March 2, 2016 9:28 PM

The number of personal injury claims against the city Department of Correction jumped 27 percent between fiscal years 2014 and 2015, a consequence of "persistent violence" in the system and at Rikers Island, City Comptroller Scott Stringer said Wednesday.

The amount paid out in settlements and judgments on such claims rose 66 percent to \$13.1 million in the same period, he said.

"Despite everyone focused on the issue, we're clearly not at the point where we see any measurable decrease in violence," Stringer said at a lower Manhattan news conference. "I worry that, based on looking at the claims, we're actually seeing a system that is getting more and more out of control."

The total number of claims in fiscal year 2015 — which ended June 30 — was 2,846 and included violence between detainees and between inmates and officers as well as slip-and-fall cases, the city's fiscal watchdog said. The figure compares with 2,245 claims the previous year and 1,047 claims in fiscal year 2009.

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The increases are more troubling because they come amid a drop in the city's detainee population of 10 percent between fiscal years 2014 and 2015 and a rise in annual cost per inmate — \$112,665 each, or a 17 percent increase in the same period, Stringer said.

Labeling Rikers "the Wild West of corrections," Stringer reiterated his call to close the scandal-plagued jail complex pending cost analyses. The island has a daily detainee population of about 7,700, according to the Department of Correction.

De Blasio spokeswoman Monica Klein cited a 23 percent reduction in serious uses of force and 11 percent drop in serious assaults on staff as evidence of "clear reforms in place to address violence and improve inmate outcomes on Rikers."

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Settlements and judgments often reflect incidents from the previous administration and before the tenure of Correction Commissioner Joseph Ponte, city officials said.

City Council Speaker Melissa Mark-Viverito is convening a commission to explore a path toward closing Rikers, an idea that Gov. Andrew M. Cuomo supports. De Blasio has called the concept "noble," but argued it would

cost billions of dollars to achieve.

**By Emily Ngo**

[emily.ngo@newsday.com](mailto:emily.ngo@newsday.com) [@epngo](https://twitter.com/epngo)

Emily Ngo covers the White House and national politics for Newsday, having followed President Donald Trump to Washington, D.C., after following him on the campaign trail.

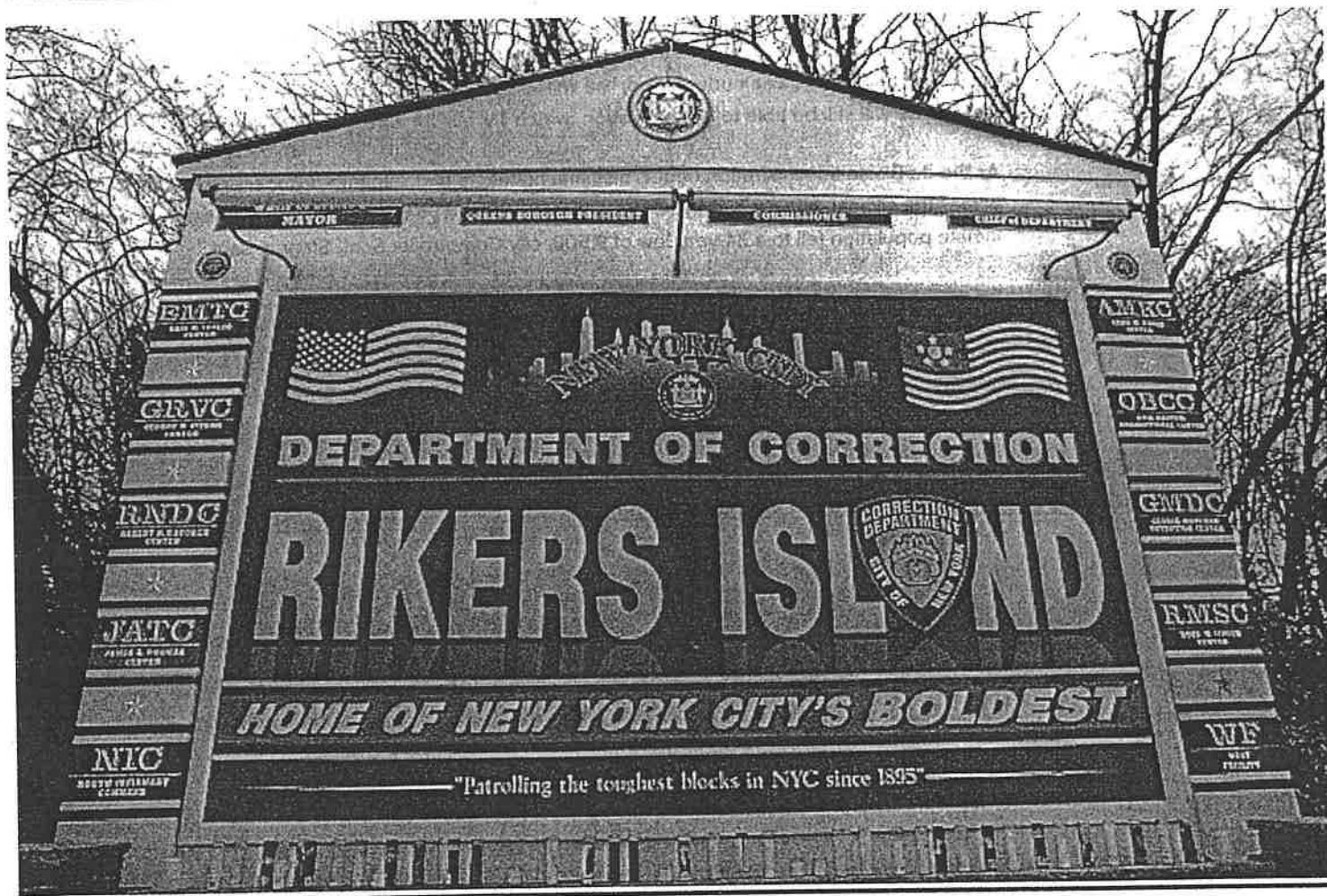


METRO

# Workers comp claims soar in Correction Department

By Sara Dorn

July 28, 2018 | 3:24pm | Updated



Reuters

While the city lets jailbirds play video games and have pizza parties amid softer disciplinary rules, New York's Boldest are increasingly brutalized, workers comp stats show.

Workers compensation claims filed by correction officers and other Correction Department employees hurt on the job surged 24 percent to 5,007 in 2017, costing the city \$5.3 million in medical expenses and lost wages, according to Law Department records. The city spent \$4.4 million in 2016 on 4,026 claims.

The Correction Department said 2,086 of last year's claims were due to inmate-related incidents — up from 1,947 in 2016 and 1,263 in 2015. The ranks of Correction Department employees grew during the same period by 2,000.

But labor leaders said worker comp claims continue to rise because "assaults against correction officers have skyrocketed." Correction Officers Benevolent Association President Elias Husamudeen told The Post, "They have gone up every single year."

On July 13, a prisoner slashed a correction officer across the face after a battle on Rikers Island involving up to a dozen inmates – the latest in a series of attacks on guards.

The spike in guard assaults came even as the inmate population shrinks and the de Blasio administration jail budget soars. The correction officers union blamed Mayor de Blasio for placing a ban on solitary confinement for inmates under 21.

"Taking that away from us was like taking a gun from a police officer and putting him in a crime-infested neighborhood," Husamudeen said. "Unfortunately the mayor seems to think crimes committed in jail should be treated differently than on the streets."

He claims the inmates feel "emboldened" to fight officers because "they know about the mayor's new policies."

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### Violent incidents spike in NYC prisons: report

The kinder climate includes pizza parties and video games as incentives for good behavior.

Husamudeen said policy changes have left officers with little recourse. Even if an inmate is arrested for assaulting an officer, Husamudeen said, "he will still get commissary and can eat potato chips and Doritos, he will still be able to get recreation, watch TV, still be able to use the phone."

As the de Blasio administration begins dismantling Rikers and shipping prisoners off to smaller jails across the city, the city poured \$1.36 billion into its jails last year, a \$70 million increase as the daily inmate population fell to a 34-year low of 9,500, city Comptroller Scott Stringer said.

A Correction Department spokesman said there are more inmate-related workers comp claims because there are more workers.

"This increase in claims and payments reflects higher staffing levels, higher wages and our strengthened emphasis on timely and proper claim reporting," Peter Thorne said.

FILED UNDER DEPARTMENT OF CORRECTIONS, RIKERS ISLAND, WORKPLACE INJURIES

Recommended by

**Exhibit P**  
**of the Proposed First**  
**Amended and Supplemental**  
**Complaint**



**Commission of  
Correction**

**THE WORST OFFENDERS**  
**REPORT: THE MOST PROBLEMATIC**  
**LOCAL CORRECTIONAL FACILITIES**  
**OF NEW YORK STATE**

**February 2018**

**Thomas A. Beilein**  
*Chairman*

**Thomas J. Loughren**  
*Commissioner*

**Allen Riley**  
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## EXECUTIVE SUMMARY

The State of New York operates a criminal correctional system comprised of two main components. At the local level, counties and the City of New York are charged with the duty to maintain and administer jails under the regulation and supervision of the State. These jails are operated by local governments and are primarily responsible for holding individuals pending adjudication, or sentenced to imprisonment for one year or less. At the state level, New York State operates a prison system, which is responsible for long-term institutionalization and rehabilitation – for sentences in excess of one year – and is under the authority of the State Department of Corrections and Community Supervision.

Pursuant to both the Eighth Amendment to the United States Constitution as well as Article I, Section Five of the New York State Constitution, the imposition of cruel and unusual punishment is strictly outlawed. While individuals housed within correctional facilities have either been charged with, or convicted of, committing a crime, we as a State must ensure that our actions do not violate the basic rights of these individuals. The State Commission of Correction (the Commission), is legally charged to regulate, supervise, and inspect the operation of local jails to ensure and enforce compliance with state law. The Commission was established by Article 17, section 5 of the New York State Constitution, and its functions, powers and duties are set forth in Article 3 of the New York State Correction Law. The general powers of the Commission include establishing minimum standards for the safe and proper operation of local jails and the inspection and enforcement of local facilities to ensure that facilities are meeting all legal requirements.

The Commission regulates the construction and improvement of local facilities, the care, custody, correction, treatment, supervision, discipline, health standards, staffing, staff behavior, staffing discipline, and related matters of all local facilities. The Commission is legally empowered to advise local facilities of any legal or regulatory violations and require remedial actions to correct any such violations. The Commission is also empowered to close local facilities deemed out of legal compliance. The Commission is empowered to do on-site inspections and to interview any administrators, staff, or inmates in said facilities. Local facilities must grant the Commission and its employees access, at any and all times, to any facility, including to all books, records, inmate medical records, or data that the Commission deems necessary.

The Commission is empowered to issue and enforce subpoenas and subpoenas *duces tecum*, administer oaths, and examine persons under oath. A person examined under oath has the right to be accompanied by counsel subject to reasonable limitations to prevent obstruction of, or interference with, the orderly conduct of the examination. The Commission, by its Correctional Medical Review Board, is also charged with examining the death of any inmate in any local facility, and may interview any facility employee or inmate in connection with that death, including members of the deceased inmate's family.

Where non-compliance with a statute or regulation is discovered, the Commission is legally empowered to direct a local facility to achieve compliance and, when necessary, may thereafter seek a judicial order for compliance in the New York State Supreme Court. The Commission may close any facility which is unsafe, unsanitary, or which is not compliant with the rules and regulations promulgated by the Commission. The Commission is also empowered



to make recommendations and reports to the Governor of the State of New York when it deems appropriate.

#### Findings

The Commission has conducted extensive on-site inspections, interviews, and investigations on a number of local facilities. Several facilities have been found out of compliance more than once, thus endangering the health and safety of inmates and staff members. The Commission has issued numerous corrective action directives and provided staff to closely monitor and assist with the implementation of said corrective action plans. However, despite the Commission's best efforts, some facilities still fail to meet minimum legal requirements for safe operation.

The Commission now issues this report on the five local jails that are deemed the "worst offenders" for being in violation of state law. These facilities pose an ongoing risk to the health and safety of staff and inmates and, in instances, impose cruel and inhumane treatment of inmates in violation of their Constitutional rights. Included in this report are synopses of evaluative determinations of non-compliance with state law and regulations, a description of Commission enforcement efforts, a brief analysis of significant facility incidents reported by the various facilities to the Commission, summaries of Commission investigative report findings regarding inmate mortalities, and an account of the sanitation and physical plant conditions afflicting the facilities.

The five local facilities determined as "worst offenders," after years of review, are: the New York City Rikers Island Facilities, the Greene County Jail, the Erie County Holding Center/Correctional Facility, the Dutchess County Jail and the Onondaga County Justice Center/Penitentiary.

## RIKERS ISLAND FACILITIES

Rikers Island continues to be plagued by managerial failures, significant structural problems, regulatory compliance failures, identified deficiencies that remain unaddressed, and unabated harm to both staff and inmates alike. The Commission has sought to assist Rikers management in addressing these and many other deficiencies, and facilitate improvements, but those efforts have not been successful, further highlighting the need for closure of all jail facilities located on Rikers Island.

Following the August 2014 report of the United States Attorney's Office for the Southern District of New York into the treatment of adolescent male inmates on Rikers Island, the Commission dedicated additional resources to its oversight of the DOC. Additional staff were assigned to conduct comprehensive annual evaluations of DOC facility compliance with Commission regulations, and also to assist with the investigation of every inmate mortality, as conducted by the Commission's Medical Review Board. In collaboration with the New York State Office of Information Technology Services (ITS), the Commission developed a system for the reporting of significant incidents in local correctional facilities, including DOC facilities, via the eJusticeNY Integrated Justice Portal. Lastly, a team of Commission staff were deployed in March 2017 to conduct a three-day intensive tour of all facilities on Rikers Island to evaluate sanitation and physical plant deficiencies.

This comprehensive report's irrefutable facts make clear what is aptly described as a deeply disturbing and discouraging situation. First, the evaluations of Rikers Island reveal extensive and systemic non-compliance with fundamental and compulsory regulations intended to provide for a safe, stable and humane correctional system. Second, the DOC has demonstrated both an unwillingness and inability to take necessary actions to remedy identified violations, often concerning facility safety and security.

Despite having less than half of the inmate population confined in county jails throughout the State, the number of reported significant incidents for Rikers Island is generally far greater, markedly so with regard to violent incidents, such as assaults, sex offenses and facility disturbances. Possibly most concerning is that the number of such reported incidents has, for most significant categories, increased from 2016 to 2017; this despite the enormous amount of attention that is focused upon the island facilities. A review of inmate mortality cases includes numerous instances where a death was attributable to deficient medical care, substandard mental health services, or inadequate custody and supervision by security staff. Comprehensive physical plant evaluations of the Rikers Island facilities have exposed conditions that are unsecure, unsanitary and dangerous, for staff and inmates alike. Rikers Island is, and has been, violating essential constitutional protections and State laws. There is no Rikers Island closure plan that is legally binding on future city administrations nor is there a proposed timetable that is reasonable considering the length, seriousness and spiraling year to year increase of violent incidents and degrading conditions facing both inmates and staff.

Consequently, given the City's inaction and protracted 10-year proposal, it is now time for the Commission to examine steps to expeditiously close Rikers and to ensure that the constitutional rights of inmates and staff are protected. The New York City jail system must be brought into compliance with the laws, guarantees, and protections provided by the Federal and State constitutions.

## **FACILITIES OVERVIEW**

### **Anna M. Kross Center (AMKC)**

Description: Opened in 1978, AMKC houses male detainees in 78 housing areas spread over 40 acres.

Cells: 984 cells

Dorms: 656 beds

Modular (combination cells and dorms): 936

Total capacity: 2,576

12/1/17 population: 1,991 (unsentenced males)

### **Eric M. Taylor Center (EMTC)**

Description: Opened in 1964 and expanded in 1973, was previously designated the Correctional Institution for Men.

Cells: 136 cells

Dorms: 1,468 beds

Total capacity: 1,604

12/1/17 population: 1,230 (males, predominantly sentenced)

### **George Motchan Detention Center (GMDC)**

Description: Opened in 1971 as the Correctional Institution for Women with a capacity of 679, GMDC later became a male detention center.

Cells: 912 cells

Dorms (Modular): 659 beds

Total capacity: 1,571

12/1/17 population: 634 (males, predominantly unsentenced)

### **George R. Vierno Center (GRVC)**

Description: Opened in 1991 as an 850-bed facility for male detainees. A 500-bed addition opened at GRVC in 1993.

Cells: 853 cells

Dorms: 376 beds

Total capacity: 1,229

12/1/17 population: 687 (unsentenced males)

### **North Infirmary Command (NIC)**

Description: Opened in 1932, NIC consists of two infirmary buildings, one of them the original Rikers Island Hospital. The main facility has 281 beds, 84 cells and 197 beds in dorms. The Annex, converted to housing in mid-1980, has 5 cells and 153 dorm beds for housing infirmary care inmates. A 39-bed dorm was closed by the Commission in December 2016 due to inadequate living conditions.

Cells: 89 cells

Dorms: 350 beds

Total capacity: 439

12/1/17 population: 244 (sentenced and unsentenced males)

### **Otis Bantum Correctional Center (OBCC)**

Description: Opened in 1985, OBCC includes the Department's 400-bed Central Punitive Segregation Unit.

Cells: 750 cells

Dorms: 950 beds

Total capacity: 1,700  
12/1/17 population: 955 (unsentenced males)

**Rose M. Singer Center (RMSC)**

Description: Opened in 1988 as an 800 bed facility for female detainees and sentenced inmates. A 650 bed addition opened at RMSC in 1995 increased capacity to its present level.

Cells: 470 cells  
Dorms: 978 beds  
Total capacity: 1,448  
12/1/17 population: 603 (all females, including minors)

**Robert N. Davoren Center (RNDC)**

Description: Opened in 1972, formerly Adolescent Reception and Detention Center, RNDC houses adolescent male detainees (ages 16-17) and adult male detainees.

Cells: 1,184 cells  
Dorms: 50 beds  
Modular (dorms): 700  
Total capacity: 1,934  
12/1/17 population: 663 (minor males and unsentenced adult males)

**West Facility (West)**

Description: Opened in 1991, as a 940-bed facility constructed of 12 Sprung-rigid aluminum framed structures covered by a heavy-duty plastic fabric. Part of the West Facility was converted into the DOC's Contagious Disease Unit (CDU) center in which 140 air-controlled housing units are reserved for male and female inmates with contagious diseases, such as tuberculosis. Reduced to 98 operational cells inside the sprung, the remaining sprung were converted to Central Intake in 2014, but closed a few months later.

Cells: 98 cells  
Total capacity: 98  
12/1/17 population: 47 (unsentenced males)



## COMMISSION EVALUATIONS OF DOC FACILITIES

Pursuant to its authority set forth in Article 3 of the New York State Correction Law, the Commission has promulgated minimum standard regulations for the management of correctional facilities throughout the state. Contained in Chapter I of Subtitle AA of Title 9 of the New York Codes, Rules and Regulations (NYCRR), the regulations applicable to county jails and the New York City Department of Correction consist of 34 separate Parts, each of which provides regulations relevant to a particular subject matter (i.e. security and supervision, inmate visitation, legal services, etc.).

Historically, the Commission has conducted annual, comprehensive evaluations of each county jail. To ensure that every regulation is periodically examined at every local correctional facility, the Commission utilizes a cycle evaluation schedule, whereby 10 or 11 regulation Parts are evaluated at every facility in a given year. Thus, in a four (4) year span, every regulation is evaluated at least once, with the most critical regulations being evaluated on a biennial basis. Depending on the size of a facility, on-site assessment by Commission staff can typically last from 3 to 10 days, including entrance and exit interviews with facility administration. Thereafter, a written evaluation is prepared and issued by the Commission, setting forth all findings of facility non-compliance with Commission regulations, actions required of a facility to achieve compliance, and requiring a written response from the facility within 45 days. Following receipt of a local correctional facility's evaluation response, Commission staff will verify all remedial actions taken by a facility during a subsequent on-site inspection, or during the next year's scheduled cycle evaluation.

As part of its decision to dedicate additional resources to its oversight of the DOC, the Commission assigned staff necessary to conduct annual evaluations of DOC facilities, including those on Rikers Island, pursuant to the four (4) year cycle evaluation schedule, beginning in calendar year 2016. Listed below are brief summaries of the deficiencies more comprehensively listed in the Commission's written evaluation reports of DOC's Rikers Island facilities.

## 2016 INDIVIDUAL FACILITY EVALUATIONS

### AMKC – Report issued 3/7/17

#### **Part 7003 - Security and Supervision**

- **Active Supervision:** The facility is not maintaining an active security post in units having more than 20 prisoners.
- **Supervision of Prisoners in Facility Housing Areas:**
  - a. The facility not consistently using mechanical or electrical time recording devices as required.
  - b. Constant supervision prisoners being supervised by officers of opposite gender.
- **Supervision of Prisoners outside of Facility Housing Areas:** Prisoners were observed moving through hallways unsupervised.
- **Prisoner Population Counts:**
  - a. Census verification forms have inaccurate reporting of inmates.

- b. Population counts not immediately forwarded to the Chief Administrative Officer and did not consistently document the time of review.
- **Firearms Control:** There is a lack of documentation to substantiate the facility was conducting required inspections of all personal firearms staff are authorized to use during the performance of their official duties.
- **Key Control:**
  - a. Sub-control room doors found to be left unsecured.
  - b. Issuance and return of facility keys not consistently documented in logbook. Food service and exterior dock keys not logged out.

#### **Part 7006 - Discipline**

- **Policy:** The Department's policy is inconsistent with the inmate rulebook, which is causing confusion among staff and inmates.
- **Disciplinary Sanction:** Facility policies and procedures incorrectly state that exercise can be taken as a disciplinary sanction.

#### **Part 7008 - Visitation**

- **Visitation Security and Supervision:** Facility was unable to demonstrate the completion of required visitation room searches prior and subsequent to each visitation period.

#### **Part 7009 - Food Service**

- **Policy:** Food carts and food warmers had buildup of food items from previous meal.

#### **Part 7015 - Sanitation**

- **General Facility Sanitation:** The facility had numerous areas where leaks were discovered. Due to the water leaks walls and ceilings were damaged. Peeling paint, walls with rust and holes in walls and ceilings were discovered.
- **General Facility Sanitation:** Prisoners cells found in disarray. Prisoners are not required to maintain their cells in a clean and sanitary manner.

#### **Part 7063 - Chemical Agents**

- **Use of Chemical Agent:** Facility could not demonstrate that health service staff are trained in the treatment of persons exposed to chemical agents.
- **Training in the use of Chemical Agent:** Chemical agents were being issued to staff whose training certification has expired.

#### **EMTC – Report issued 12/14/16**

#### **Part 7003 - Security and Supervision**

- **Supervision of Prisoners in Facility Housing Areas:** The facility has no functioning mechanical or electrical time recording devices.
- **Prisoner Population Counts:** Population counts take over 1.5 hours to clear. Individual prisoner counts phoned into control are not matching submitted count sheets.

- **Firearms Control:** There is a lack of documentation to substantiate the facility was conducting required inspections of all personal firearms staff authorized to use during the performance of their official duties.

#### **Part 7006 - Discipline**

- **Misbehavior Report:** The facility is not recording the time the report was written and they are not documenting that the prisoner received a copy of the report
- **Disciplinary Hearing:** The facility could not demonstrate that prisoners are receiving a copy of hearing dispositions.

#### **Part 7007 – Good Behavior Allowances**

- **Policy:** The Department was unable to demonstrate they were explaining good behavior allowance to the prisoners.

#### **Part 7015 - Sanitation**

- **General Facility Sanitation:** Prisoners cells cluttered and in disarray. Prisoners are not required to maintain cells in a sanitary condition.

#### **Part 7063 - Chemical Agents**

- **Training in the use of Chemical Agent:** Chemical agents issued to staff whose training certification has expired.

#### **GMDC – Report issued 10/6/16**

#### **Part 7003 - Security and Supervision**

- **Supervision of Prisoners in Facility Housing Areas:** The facility still has housing areas with no mechanical or electrical time recording devices.
- **Constant Supervision:** Appropriate documentation is not being maintained when *constant supervision* is ordered. Constant supervision records are documented on individual sheets with pre-established times which is inconsistent with NYS Minimum Standards.
- **Supervision of Prisoners Outside Facility Housing Areas:** Inmates were permitted to move throughout the facility hallways unsupervised.
- **Prisoner Population Counts:** The facility approves the inmate final population count without accounting for all housing area count slips. This is an improper accounting of the inmate population and can lead to a delay in responding to an escape or emergency situation.
- **Firearms Control:** There is a lack of documentation to substantiate the facility was conducting required inspections of all facility firearms.
- **Locks and Other Securing Devices:** The facility is not conducting inspections of all locks and securing devices at intervals outlined by NYS Minimum Standards to ensure they are working properly. Housing areas temporarily closed are not being assessed to ensure that all the locks and securing devices are in proper working order.

#### **Part 7006 - Discipline**



- **Policy:** The Department's policy is inconsistent with the inmate rulebook and is causing confusion among inmates and staff.

#### **Part 7007 – Good Behavior Allowances**

- **Policy:** The Department was unable to demonstrate they were explaining what good behavior allowance was and appropriate inmate outdates.

#### **Part 7009 – Food Service**

- **Sanitation:** Kitchen staff and inmates were not wearing hair nets during meal preparation.

#### **Part 7015 - Sanitation**

- **Housing Units:** Individual inmate cells were found to be in disarray and in many cases, in unsanitary conditions.

#### **Part 7063 - Chemical Agents**

- **Training:** The Department is issuing Chemical agents to officers whose training certification has expired.

#### **GRVC – Report issued 12/14/16**

#### **Part 7003 - Security and Supervision**

- **Supervision of Prisoners in Facility Housing Areas:**
  - a. The facility is not using mechanical or electrical time recording devices as required.
  - b. Order for additional supervision is not recorded in housing unit logbooks. Significant events are also not recorded in the logbooks.
- **Prisoner Population Counts:**
  - a. Population counts submitted are not signed by the staff completing the count.
  - b. Population counts are frequently conducted by line staff and not verified and/or reviewed by the Chief Administrative Officer.
- **Requirements of Staff:** When staff are on a post for more than one-hour they are not documenting required information in the housing area logbooks.
- **Firearms Control:** The facility was unable to demonstrate that they are conducting required inspections of all firearms.
- **Key Control:** Facility keys are not consistently logged in and out of logbook.
- **Locks and other Securing Devices:** The facility is not completing lock inspections of all areas of the facility.

#### **Part 7006 - Discipline**

- **Policy:** The Department's policy is inconsistent with the inmate rulebook and is causing confusion among inmates and staff.
- **Administrative Segregation:** The facility was unable to demonstrate that all prisoners are receiving a copy of their pre-hearing detention. The facility could not demonstrate that the Chief Administrative Officer is consistently reviewing the administrative segregation orders within 24-hours of confinement.

- **Disciplinary Sanction:** Facility policies and procedures incorrectly state exercise can be taken as a disciplinary sanction.

#### **Part 7008 - Visitation**

- **Limitation of Visits:** Visitors and inmates were not notified in writing when they were turned away from a visit.

#### **Part 7015 - Sanitation**

- **General Facility Sanitation:** Prisoners cells found in disarray. Common areas such as the hallways, elevators and sally ports were dirty and not consistently cleaned or maintained.

#### **Part 7063 - Chemical Agents**

- **Training in the use of Chemical Agent:** Chemical agents issued to staff whose training certification has expired

NIC – Report issued 12/14/16

#### **Part 7003 - Security and Supervision**

- **Supervision on prisoners in Facility Housing Areas:**
  - a. There are no housing areas that have functioning mechanical or electrical time recording devices.
  - b. The facility was not consistently documenting in area logbooks when prisoners enter or exit the housing area.
  - c. Facility staff not logging when prisoners exit or return to housing units.
- **Firearms Control:**
  - a. Personal weapons used in the performance of staff's official duties were not inspected.
  - b. Chemical agents are being issued to officers whose chemical agent training certification had expired.

#### **Part 7006 - Discipline**

- **Misbehavior Report:** Notice of Infraction did not contain a signature of the prisoner acknowledging that they received a copy of the misbehavior report.
- **Assistance to Inmates:** DOC form states that prisoners will only receive assistance with their hearing if the Adjudication Captain deems it necessary. Such practice is unacceptable.
- **Disciplinary Hearing:** Prisoners not signing that they received a copy of their hearing disposition.

#### **Part 7007 - Good Behavior Allowances**

- **Record Keeping & Regulations:** The facility was unable to demonstrate that facility staff fully explained the meaning of Good Behavior Allowances to prisoners and that prisoners acknowledge in writing that the explanation was provided.

#### **Part 7015 - Sanitation**

- **General Facility Sanitation:**
  - a. Housing areas cluttered with prisoner property.

- b. Prisoners not required to maintain housing areas in a clean and sanitary condition.
- c. Leaks in the ceiling of the visitation area.
- d. Dorm 3 flooded with approximately six (6) inches of water. SCOC required the relocation of all inmates in Dorm 3.
- e. SCOC ordered the closure of Dorm 3.
- f. The department has yet to request the reopening of Dorm 3

#### **Part 7063 - Chemical Agents**

- **Training in The Use of Chemical Agents:** Chemical agents were being issued to officers whose chemical agent training certification had expired.

#### **OBCC – Report issued 8/3/16**

#### **Part 7003 - Security and Supervision**

- **Active Supervision:** The facility is not consistently a staff post in housing areas containing more than 20 prisoners.
- **Supervision of prisoners in facility housing areas:** There are no housing areas that have functioning mechanical or electrical time recording devices.
- **Population Counts:** Population count sheets are not signed by officers completing the count. A count was observed that took over an hour to clear. Count slips called in did not match the inmate totals on submitted count sheets.
- **Firearms Control:** Staff did not consistently record the date and time an issued firearm and ammunition was returned. It was also found that personal weapons used in the performance of staff's official duties were not inspected. Chemical agents are being issued to officers whose chemical agent training certification had expired.
- **Key Control:** An intake area key box was broken and unsecured. Keys were not consistently logged in and out of logbook. Staff maintained keys that could provide inmates a means of egress from the facility.

#### **Part 7006 - Discipline**

- **Rules of Inmate Conduct:** The rules of inmate conduct concerning disciplinary sanctions differ from the facility's directive. Different infractions are listed for the same violations.
- **Administrative Segregation Pending a Hearing:** The facility is not consistently providing written notice to prisoners within 24 hours of their confinement. The facility Chief Administrative Officer is not consistently reviewing administrative segregation orders within 24 hours.
- **Disciplinary Hearing:** Prisoner hearings were adjourned for several months with no further documentation or follow-up.
- **Appeal Procedures:** Prisoners are not consistently being notified in writing of the results of their appeals.

#### **Part 7007 - Good Behavior Allowances**

- **Record Keeping & Regulations:** The facility was unable to demonstrate that facility staff fully explained the meaning of Good Behavior Allowances to prisoners and that prisoners acknowledge in writing that the explanation was provided.

**Part 7008 - Visitation**

- **Limitation of Visits:** The facility has a blanket policy whereby prisoners are placed on all non-contact visits due to potential visitors being found with contraband. Visitors being turned away from a visit are not provided an explanation in writing as to why visit was denied.

**Part 7015 - Sanitation**

- **General Facility Sanitation:** Food service areas had dirt and rust spots on ceiling and debris on floors.

**Part 7063 - Chemical Agents**

- **Use of Chemical Agents:** The facility was unable to demonstrate that all health service staff are trained in the treatment of persons exposed to chemical agents.
- **Training in The Use of Chemical Agents:** Chemical agents were being issued to officers whose chemical agent training certification had expired.

**RMSC** – Report issued 9/21/16

**Part 7003 - Security and Supervision**

- **Active Supervision:** The facility is not consistently maintaining an active officer post in housing areas containing more than 20 prisoners.
- **Supervision of prisoners in facility housing areas:**
  - a. There are no housing areas that have functioning mechanical or electrical time recording devices.
  - b. The facility was not consistently documenting in area logbooks when prisoners enter or exit the housing area.
- **Population Counts:** A count was observed that took over two hours to clear. Count slips called into control did not match the inmate totals on submitted count sheets.
- **Firearm Control:** Personal weapons used in the performance of staff's official duties were not inspected. Chemical agents are being issued to officers whose chemical agent training certification had expired.
- **Key Control:** Facility not consistently documenting the date/time of returned keys in the key log book.

**Part 7006 - Discipline**

- **Misbehavior Report:** Notice of Infraction did not contain a signature of the prisoner acknowledging that they received a copy of the misbehavior report.
- **Assistance to Inmates:** DOC form states that prisoners will only receive assistance with their hearing if the Adjudication Captain deems it necessary. Such practice is unacceptable.

**Part 7007 - Good Behavior Allowances**

- **Record Keeping & Regulations:** The facility was unable to substantiate that facility staff fully explained the meaning of Good Behavior Allowances to prisoners and that prisoners acknowledge in writing that the explanation was provided.

**Part 7015 - Sanitation**

- **General Facility Sanitation:** Prisoners cells found in disarray. Prisoners are not required to maintain their cell in a clean and sanitary manner.

#### Part 7063 - Chemical Agents

- **Training in The Use of Chemical Agents:** Chemical agents were being issued to officers whose chemical agent training certification had expired.
- **Storage and Maintenance of Chemical Agents:** The facility chemical agent inventory sheet was outdated and did not reflect the equipment being stored within the facility.

#### RNDC – Report issued 3/7/17

#### Part 7003 - Security and Supervision

- **Policy:** Secured cell doors can be popped open by prisoners.
- **Supervision of Prisoners in Facility Housing Areas:** The facility is not consistently using mechanical time recording devices and also has defective equipment in need of repair.
- **Constant Supervision:**
  - a. Prisoners on constant observation being supervised by officers of opposite gender.
  - b. Appropriate documentation is not being maintained when constant supervision is ordered.
- **Prisoner Population Counts:** submitted prisoner population count sheets had an inaccurate reporting of prisoners assigned to housing areas.
- **Prisoner Population Counts:** Population counts are not immediately verified and signed by the Chief Administrative Officer.
- **Firearms Control:** There is a lack of documentation to substantiate the facility was conducting required inspections of all personal firearms staff are authorized to use during the performance of their official duties.
- **Key Control:** Keys not properly logged in and out in the key control logbook.

#### Part 7006 - Discipline

- **Policy:** The Department's policy is inconsistent with the inmate rulebook and is causing confusion among inmates and staff.
- **Disciplinary Hearing:** Policy allows the facility to limit exercise as a disciplinary sanction. This is unacceptable.

#### Part 7007 – Good Behavior Allowances

- **Policy:** The Department was unable to demonstrate they were explaining good behavior allowance to the prisoners.

#### Part 7008 - Visitation

- **Visitation Security and Supervision:** The department was unable to demonstrate the completion of visit room searches prior and subsequent to each visitation period.

#### Part 7009 – Food Service

- **Medical and Religious Diets:** Facility policies do not ensure prisoners are provided with medical and religious diets.



#### **Part 7015 - Sanitation**

- **General Facility Sanitation:**

- a. Leaks are occurring throughout the facility.
- b. Walls and ceilings are rusting due to water leaks.
- c. Prisoner cells are cluttered and in disarray.
- d. Prisoners not required to maintain cells in a sanitary condition.

#### **Part 7063 - Chemical Agents**

- **Use of Chemical Agents:** Facility was unable to demonstrate that medical staff are properly trained in treatment of those exposed to chemical agents.

#### **WEST – Report issued 9/27/16**

#### **Part 7003 - Security and Supervision**

- **Supervision of Prisoners in Facility Housing Areas:** The facility does not have functioning mechanical or electrical time recording devices.
- **Firearm Inspections:** Firearm inspections did not include the inspection of personal firearms allowed to be carried in the performance of officers' official duties.
- **Key Control:** Key control cabinet contained keys no longer in use and keys in which staff could not identify. Key log does not consistently document when keys are returned.
- **Locks and other Securing Devices:** The facility was unable to demonstrate the completion of inspections conducted on all locks and securing devices.

#### **Part 7006 - Discipline**

- **Misbehavior Report:** The facility could not demonstrate that prisoners are signing for a copy of their misbehavior report. Therefore, there is no evidence that they are receiving a copy of the report.
- **Assistance to Inmates:** Facility Correction Form 6500a states that prisoners have a right to assistance with a hearing only if the adjudication Captain deems is necessary. This practice is unacceptable.
- **Disciplinary Hearing:** The facility hearing form contains no signature acknowledgement from a prisoner that they have received a copy of the misbehavior report.

#### **Part 7015 - Sanitation**

- **General Facility Sanitation:** Water leaks were found in numerous areas. The roofs appear to have been leaking for an extended period of time, resulting in damage to the walls and floors. Commission staff also found cluttered areas which pose a fire hazard, especially considering the facility's fire alarm system is inoperable.

#### **Part 7063 - Chemical Agents**

- **Chemical Agent Inspections:** Unable to demonstrate the completion of required Chemical Agent inspections.

## DOC RESPONSE TO 2016 SCOC EVALUATIONS

Each of the Commission's on-site evaluations of DOC's Rikers Island facilities were conducted during calendar year 2016, as were the issuance of the resulting evaluation report, except for the reports for AMKC and RNDC, each of which were issued on March 7, 2017. Although the Commission requested timely written responses to each evaluation report (generally within 45-90 days from the date of the report), the majority of DOC's written responses were not received by the Commission until late June 2017. Thus, the majority of DOC's evaluation responses were not provided to the Commission until six (6) to eight (8) months after the reports were issued.

Despite the prolonged delay in responding to the Commission's evaluation reports, it does not appear on their face that the DOC substantially commenced remedial action before responding to the report. Using the George R. Verno Detention Center (GRVC) as an example, the Commission issued its written evaluation report on December 14, 2016, to which the DOC responded by letter dated June 26, 2017. Notwithstanding this six (6) months available to implement corrective action to noted deficiencies, the DOC's report predominantly made references to future plans of its administration to act, stating it "will follow up with relevant officials," "will conduct periodic audits," etc. In fact, the DOC's evaluation response states, *in eleven (11) separate instances*, that DOC's administration "will issue a memorandum" to staff as a means of corrective action.

Despite the DOC's extended delay in providing the Commission its evaluation report responses, Commission staff have commenced assessing the same, and will provide the DOC its written assessment finding in forthcoming correspondence.

## 2017 INDIVIDUAL FACILITY EVALUATIONS

As of December 14, 2017, every on-site Cycle 2 evaluation of DOC's Rikers Island facilities has been completed by Commission staff. Initially, the Commission had withheld issuing written Cycle 2 evaluation reports to the DOC, attempting instead to first assess compliance and conclude outstanding issues regarding the Cycle 1 evaluation report. However, written evaluation reports have recently been issued for GMDC, GRVC, RNDC and EMTC, with the remainder forthcoming. Nonetheless, listed below are brief summaries of the deficiencies noted by Commission staff during Cycle 2 on-site evaluations of DOC's Rikers Island facilities in 2017.

### AMKC

#### **Part 7002 - Admissions**

- **Medical Screening and Initial Screening and Risk Assessments:** The facility is not consistently completing a suicide prevention screening form on all prisoners. When forms are completed and indicators exist, supervisors are not immediately notified.



- **Staff Training:** Facility staff assigned to complete initial screening and risk assessments are not all trained in classification, as required.
- **Supervision of Prisoners in Facility Housing Areas:** When prisoners were determined to be suicidal or highly self-injurious, they were not immediately placed on *constant supervision*.
- **Supervision of Prisoners outside of Facility Housing Areas:** Prisoners were observed walking unescorted/unsupervised in facility corridors. One such prisoner was able to line up to access a vehicle transporting inmates to court. Fortunately, the prisoner was identified right before he was to access the bus. The prisoner was never identified as missing from his assigned housing area.
- **Facility Rules and Information:** The Department's last updated inmate rulebook was completed in 2007. Reviews and revision of information is required to occur on an annual basis.

#### **Part 7003 - Key Control**

- **Key Control:** The facility intake officer maintained a key that would provide inmates a means of egress from the facility intake area.

#### **Part 7005 - Prisoner Personal Hygiene**

- **Laundry and Repair of Clothing:** The facility was only providing laundry services for facility-issued uniforms and linens. Inmates are required to wash their personal clothing in buckets with soap and water in their cells and hang them to dry.

#### **Part 7024 - Religion**

- **Congregate Religious Activities:** The facility is not providing services for some religious service programs. Religious schedules are not accurate and do not describe the actual day and times services are provided.

#### **Part 7028 – Exercise**

- **Exercise Yard:** Exercise yards contained broken pieces of metal and glass. The area also contained holes and divots that are tripping hazards and can be used for the concealment of contraband. Some gates require reinforcement, while some gates, fences, and roof lines require additional concertina wire.

#### **Part 7031 - Legal Services**

- **Access to Legal Reference Material:** The facility does not have written policy or guidelines for use of all legal reference materials.

### **EMTC**

#### **Part 7002 - Admissions**

- **Facility Rules and Information:** The Department's last updated inmate rulebook was completed in 2007. Reviews and necessary revisions are required on an annual basis.

#### **Part 7005 - Prisoner Personal Hygiene**

- **Laundry and Repair of Clothing:** The facility was only providing laundry services for facility-issued uniforms and linens. Inmates are required to wash personal clothing in buckets with soap and water in their cells and required to hang to dry.
- **Bedding:** The inmate population is not consistently issued pillows. Such failure causes tension among inmates.

#### **Part 7025 – Packages**

- **Inspection of Incoming Prisoner Packages:** The facility is not providing written notices to the inmates when their package is returned to sender or sensor items sent through the mail.

#### **Part 7028 – Exercise**

- **Exercise Area Searches:** Facility was unable to demonstrate the completion of exercise yard searches prior and subsequent to each exercise period.

#### **Part 7031 - Legal Services**

- Inmates who do not have direct access to legal reference materials are not being provided a list of available legal reference materials to be able to assist in a proper defense.

### **GMDC**

#### **Part 7002 - Admissions**

- **Medical Screening:** The Suicide Prevention Screening Guidelines Form required by NYS standard is not being completed on all inmates admitted to the facility.
- **Facility Rules and Information:** The Department's last updated inmate rulebook was completed in 2007. Reviews and necessary revisions are required on an annual basis.

#### **Part 7003 - Security and Supervision**

- **Key Control:** The facility Intake Officer maintained a key that would provide inmates a means of egress out of the facility intake area. This lack of key control could allow inmates access to the unsecured portion of the facility.

#### **Part 7005 - Prisoner Personal Hygiene**

- **Inmate Clothing:** Issuing of socks and undergarments is not consistently issued to newly admitted inmates.
- **Laundry and Repair of Clothing:** The facility was only providing laundry services for facility issued uniforms and linens. Inmates are required to wash their personal clothing in buckets with soap and water in their cells and hang them to dry.
- **Bedding:** The inmate's population is not consistently issued pillows. Such failure causes tension among inmates.

#### **Part 7013 – Classification**

- **Initial Screening and Risk Assessment:** The Suicide Prevention Screening Guidelines Form required by NYS Minimum Standards is not being completed on all inmates admitted to the facility.

- **Staff Training:** Officers assigned to complete the initial screening and risk assessment are not properly trained in classification as required.

#### **Part 7025 – Packages**

- **Inspection of Incoming Prisoner Packages:** The facility is not providing written notices to the inmates when their packages are returned to sender or sensor items sent through the mail.

#### **Part 7028 – Exercise**

- **Exercise Periods:** The facility did not maintain outdoor exercise area logbooks.
- **Exercise Areas and Equipment:** The facility does not provide appropriate outer garments during cold weather for the inmate population attending outdoor exercise.
- **Exercise Area Searches:** The facility was unable to provide documentation that the required searches were being conducted of the exercise areas.
- **Main Recreation Yard:** The facility should add concertina wire to the Main Yard gate, fence, and facility edge roofline.

#### **Part 7031 - Legal Services**

- Inmates who do not have direct access to legal reference materials are not being provided a list of available legal reference materials to be able to prepare a proper defense.

### **GRVC**

#### **Part 7002 - Admissions**

- **Property Confiscation:** Property confiscated was not accurately inventoried. Property Confiscation sheets are not consistently signed by the inmate.
- **Facility Rules and Information:**
  - a. The facility did not have a supply of inmate rulebooks to provide inmates upon admission.
  - b. The rulebook has not been updated since 2007.

#### **Part 7002 – Security and Supervision**

- **Key Control:** The facility's Clothes Box Officer and Sanitation Officer maintained keys that could provide inmates a means of egress from the facility.

#### **Part 7005 - Prisoner Personal Hygiene**

- **Clothing:** The facility did not have a supply of socks to be issued to prisoners.

#### **Part 7024 - Religion**

- **Congregate Religious Activities:** The facility does not provide services for inmates housed in Unit 11b (young adults ages 18-21).

#### **Part 7025 – Packages**

- **Inspection of Incoming Prisoner Packages:** The facility staff (not the Chief Administrative Officer) was making a determination of whether a prisoner could place his confiscated

property in the property room. Facility staff was giving the prisoner the option to throw items away, send property out or donate them.

#### **Part 7028 – Exercise**

- **Exercise Period:** Facility logbooks do not include documentation when prisoners return from exercise.
- **Exercise Searches:** The facility is not consistently documenting the search of exercise areas prior and subsequent to each exercise period.

#### **Part 7031 - Legal Services**

- **Access to Legal Reference Material:**
  - a. Prisoners do not have direct access to legal reference materials.
  - b. The facility is not providing a list to prisoners of all reference materials available.
  - c. Reference materials are not provided to prisoners within three business days of request.
  - d. There are no written guidelines for the use of reference materials.

#### **NIC**

On-site evaluation of the facility occurred the week of December 11, 2017, and an issued report is forthcoming.

#### **OBCC**

##### **Part 7002 - Admissions**

- **Property Confiscation:** Prisoner Inventory Sheets did not match the itemized inventory sheet attached to the property bags. Prisoners are not consistently signing the inventory sheets. Property bags were found to be unsecured. Prisoner property is being released without the prisoner's signature.
- **Personal Hygiene and Clothing Issue:** Most prisoners are not issued 3 sets of uniforms as required by Command Level Orders. Prisoners were found with only 2 shirts and one pair of pants and forced to wash uniforms on the housing unit due to a shortage of uniforms.
- **Facility Rules and Regulations:** The inmate rulebook and handbook are outdated and include information that no longer applies to the facility.

##### **Part 7005 – Prisoner Personal Hygiene**

- **Haircuts:** There are inaccuracies in the inventory of barber tools.
- **Personal Health Care Items:** Linen exchange does not occur as scheduled.
- **Laundry and Repair of Clothing:** Laundry services are not taking place when scheduled. Prisoners only provided one set of clothing.
- **Bedding:** Pillowcases and sheets are not being exchanged weekly.

##### **Part 7024 - Religion**

- **Congregate Religious Services:** Religious services are cancelled due to insufficient supervisory staff.

#### **Part 7025 – Packages**

- **Inspection of Packages:** Senders are not notified when packages are disposed of due to the existence of contraband.

#### **Part 7028 – Exercise**

- **Exercise Area Searches:** The facility is not conducting exercise area searches prior and subsequent to each exercise period.

### **RMSC**

#### **Part 7002 - Admissions**

- **Property Confiscation:** Prisoner Inventory Sheets did not match the itemized inventory sheet attached to the property bags. Prisoners are not consistently signing the inventory sheets. Property bags were found to be unsecured. Prisoner property is being released without the prisoner's signature.
- **Personal Hygiene and Clothing Issue:** Most prisoners are not issued 3 sets of uniforms as required by Command Level Orders. Prisoners were found with only 2 shirts and one pair of pants and forced to wash uniforms on the housing unit due to a shortage of uniforms.
- **Facility Rules and Regulations:** The inmate rulebook and handbook are outdated and include information that no longer applies to the facility.

#### **Part 7005 – Prisoner Personal Hygiene**

- **Haircuts:** There are inaccuracies in the inventory of tools used in the beauty parlor.
- **Personal Health Care Items:** Laundry exchange does not always take place as scheduled and did not provide for weekly exchange of bath towels.
- **Laundry and Repair of Clothing:** Laundry services do not always take place as scheduled. Laundry services not occurring two times per week. There is a shortage of uniforms throughout the facility.
- **Bedding:** Prisoners not provided with a pillow and pillowcases and sheets not being exchanged weekly.

#### **Part 7024 - Religion**

- **Congregate Religious Services:** Religious services are cancelled due to insufficient supervisory staff.

#### **Part 7025 – Packages**

- **Inspection of Packages:** Senders are not notified when packages are disposed of due to the existence of contraband.

#### **Part 7028 – Exercise**

- **Exercise Area Searches:** The facility is not conducting exercise area searches prior and subsequent to each exercise period.

## RNDC

### **Part 7002 - Admissions**

- **Facility Rules and Information:**
  - a. The facility does not consistently hand out rulebooks to prisoners upon admission.
  - b. The Department's last updated inmate rulebook was completed in 2007. Reviews and necessary revisions are to occur on an annual basis.

### **Part 7005 - Prisoner Personal Hygiene**

- **Laundry and Repair of Clothing:**
  - a. The facility was only providing laundry services for facility issued uniforms and linens.
  - b. Inmates are required to wash their personal clothing in buckets with soap and water in their cells and then hang them to dry.
- **Bedding:** The inmate's population is not consistently issued pillows which causes tension in the inmate housing areas.

### **Part 7005 - Sanitation**

- **General Facility Sanitation:** Laundry was unclean, with lint, dirt and dust built-up on washers, dryers, pipes and floors, creating a fire hazard.

### **Part 7025 - Packages**

- **Inspection of Incoming Prisoner Packages:** The facility is not providing written notices to the inmates when their packages are sent back to sender or sensors items sent through the mail.

### **Part 7028 - Exercise**

- **Exercise Periods:** Exercise is not consistently provided to all housing units daily.

### **Part 7031 - Legal Services**

- Inmates who do not have direct access to legal reference materials are not being provided a list of available legal reference materials to be able to prepare a proper defense.

## WEST

### **Part 7002 - Admissions**

- **Property Confiscation:** Prisoner Inventory Sheets did not match the itemized inventory sheet attached to the property bags. Prisoners are not consistently signing the inventory sheets. Property bags were found to be unsecured.
- **Facility Rules and Regulations:** The inmate rulebook and handbook are outdated and include information that no longer applies to the facility.

### **Part 7005 - Prisoner Personal Hygiene**

- **Laundry and Repair of Clothing:** Laundry services are not taking place when scheduled. Prisoners only provided one set of clothing.

- **Bedding:** Pillowcases and sheets are not being exchanged weekly.

**Part 7024 - Religion**

- **Congregate Religious Activities:** Prisoners not permitted to congregate for religious services. Religious activities not conducted weekly.

**Part 7025 – Packages**

- **Inspection of Incoming Packages:** Senders are not notified when packages are disposed of due to the existence of contraband.

**Part 7028 – Exercise**

- **Limitation of Exercise:** Prisoners are not notified in writing when their recreation is denied or revoked.

**Part 7031 - Legal Services**

- **Policy:** Facility was unable to substantiate that prisoners have access to legal reference materials.
- **Mutual Prisoner Legal Assistance:** Prisoners are not permitted to meet for the purpose of discussing and preparing legal materials.



## **DEPARTMENT-WIDE COMPLIANCE ISSUES**

As explained above, the majority of the Commission's evaluative reports are the result of individual facility audits, and detail findings specific to such facility. Nonetheless, certain programs, services and duties required by Commission regulations are, in the DOC, run centrally above the facility level. In these instances, the Commission has elected to evaluate the DOC's overall compliance in a single report. Listed below are summaries of the Commission's recent findings with regard to department-wide issues.

### **9 NYCRR Part 7016 - Inmate Commissary**

Per Commission regulations, in the discretion of the Commissioner, a commissary may be established and operated for the purpose of making available, for sale to prisoners, items deemed proper and consistent with the health and welfare of the prisoners and the security of the facility. The prices of the items offered for sale shall be fixed by the Commissioner so that the commissary operation is self-supporting and provides a modest return above costs. The profits resulting from the sale of commissary items must be deposited in a separate bank account and utilized only for purposes of prisoner welfare and rehabilitation. Lastly, Commission regulations require that commissary accounts be maintained in a manner which fully substantiates all purchases, sales and expenditures, and that arrangements be made for periodic audits of the commissary accounts by the appropriate municipal agency.

Upon review, Commission staff found that the DOC operates a commissary program that is neither self-supporting nor provides a modest return above costs. Records reviewed from the period of 2014 – March 2017 show the DOC's commissary program operated at a loss of \$11,465,031.00, leaving no profits for prisoner welfare and rehabilitation. Furthermore, the DOC was unable to provide an appropriate list of agency staff whose primary functions were the operations of the commissary program. There is a lack of accountability for payment of these positions from the commissary account, as DOC financial and budget staff "*just estimate*" the personnel costs. This estimate in staffing commissary positions cost the inmate commissary account \$29,541,819.00 in a 3 year and 3-month review period.

Since 2004, DOC has not had an audit of its commissary operations performed by an appropriate outside authority. As of March 2017, there was \$3,538,419.60 waiting to be transferred to the *Police Property Payable Fund*. As the Commission questions whether transferring abandoned inmate funds to this account is permissible by state law, this finding will be referred to the Office of the New York State Comptroller for appropriate review and action.

The above findings and referrals were set forth in a Commission report addressed to the DOC on November 3, 2017. The Commission is reviewing DOC's response to the report, which was received on December 5, 2017.

### **9 NYCRR Part 7022 - Reportable Incidents**

New York State Correction Law and Commission regulations require that local correctional facilities report to SCOC significant and unusual events, such as prisoner deaths, escapes, facility fires, service disruptions, inmate group actions, etc. In most cases, these reports must be submitted to SCOC within 24 hours of occurrence. In case of an inmate death, the facility must report the death within 6 hours of the pronouncement of death, and in several other instances

(major disturbance, hostage situation, firearm discharge, etc.) the report is required immediately. Incident reports must be submitted to the Commission via the eJusticeNY Integrated Justice Portal, in accordance with the requirements set forth in the Commission's *Reportable Incident Guidelines*.

Upon Commission staff review, it was found that DOC's policies and procedures do not comply with corresponding Commission regulations, in that DOC's incident categories and definitions do not align with Commission regulations or the *Reportable Incident Guidelines*. Additionally, it was evident that DOC is not reporting certain categories of incidents, nor transmitting required reports consistently within the time periods required, each as required by Commission regulations and the *Reportable Incident Guidelines*.

The above findings were set forth in a Commission report addressed to the DOC on November 15, 2017. The Commission is awaiting DOC's response to the report, which was requested by January 2, 2018.

## **9 NYCRR Part 7039 – Fire Prevention and Safety**

To safeguard the lives and property of all occupants, and to minimize the possibility of fire emergencies or other similar hazards, Commission regulations require local correctional facilities to practice proper fire prevention and safety measures, to include the development and implementation of written policies and procedures, the performance of annual fire and safety inspections by the appropriate authority having code enforcement jurisdiction, the performance of weekly fire hazard inspections by facility staff, and the provision of appropriate training to facility staff.

Upon Commission staff review, EMTC and GMDC do not maintain operable fire alarm systems, and are thus required by code to perform and document 30-minute fire watches. Nevertheless, DOC could not provide documentation that such fire watches were being performed. Commission staff noted fire extinguishers in many that were not inspected in a timely manner, or replaced when expired, as well as pull stations and emergency exit signs that were non-functioning. Further, Commission staff noted an absence of posted evacuation plans, and required weekly fire inspections, conducted by department staff, did not account for the entire facility. There are multiple penetrations in firewalls throughout all the buildings on Rikers Island without appropriate fire stop material, a condition which is infrequently noted on fire hazard inspections. Fire doors were observed propped open with wooden door stops. Commission staff observed exposed electrical wires and multiple extension cords utilized throughout Rikers Island facilities, though such violations are not documented on the fire safety inspection reports.

Required annual inspections by the appropriate code enforcement authority have not been conducted at Rikers Island facilities within the required time frames. Additionally, the Officer assigned to the EMTC fire safety position has not received the appropriate training, required by Commission regulations and the New York State Office of Fire Prevention.

The above deficiencies were observed by Commission staff during recent on-site evaluations of Rikers Island facilities, occurring over four (4) separate dates in October 2017. Corresponding findings and required actions will be contained in a forthcoming Commission

report to DOC, requesting a response which details the remediation taken to achieve compliance.

#### **9 NYCRR Part 7040 - Maximum Facility Capacity**

To promote a safe, secure and healthy correctional environment, Commission regulations place a limit on the total number of inmates confined at any given time within each local correctional facility. To accomplish this, regulations require the Commission to formulate a written maximum facility capacity that specifies all properly equipped individual occupancy housing units (cells) and multiple occupancy housing units (double cells, dorms), and determines the maximum number of inmates that can be housed within the facility.

Upon Commission staff review, it was discovered that, in multiple facilities, the DOC has housed inmates in areas that have been identified as closed by the Commission's written maximum facility capacity report, thus violating the corresponding regulation. Although DOC's administration has been notified that an amended maximum facility capacity must be requested and received from the Commission before opening a closed housing unit for inmate population, DOC continues to fail in this regard.

The above deficiencies were observed by Commission staff during recent on-site evaluations of some Rikers Island facilities, occurring in November 2017. On-site evaluations of additional facilities are scheduled, after which corresponding findings and required actions will be contained in a forthcoming Commission report to DOC, requesting a response which details the remediation taken to achieve compliance.



**COMMISSION-ISSUED DIRECTIVES**

Pursuant to Correction Law section 46(4), in any case where a Commission regulation or law relating to a correctional facility has been violated, the Commission "shall notify the person in charge or control of the facility of such violation, recommend remedial action, and direct such person to comply with the rule, regulation or law, as the case may be." As set forth above, regulation violations discovered and cited by Commission staff in local facility evaluations are, in the majority of cases, immediately remedied, with the actions taken set forth in the facility's written response to the evaluation.

In the Commission's experience, only rarely does a situation necessitate the further notification of the violation and direction of compliance, commonly referred to as a "Directive." However, upon subsequent non-compliance by the facility following the issuance of a Directive, Correction Law section 46(4) allows the Commission to apply to the Supreme Court for an order directing compliance with the regulation or law. Upon the Supreme Court's issuance of such an order, further noncompliance would constitute contempt of court, and be punishable as such.

Over the past two (2) years, the Commission has issued the following Directives to the DOC following sustained non-compliance with Commission regulations at Rikers Island facilities:

**Robert N. Davoren Complex (RNDC)**

In September 2015, the Commission issued a Directive to New York City Department of Correction at the Robert N. Davoren Complex for the violation of 9 NYCRR sections 7003.3(a), 7003.3(e), 7003.3(f), §7003.8(g) and 7063.5(c). The Directive cited the DOC for the failure to maintain minimum levels of inmate supervision and the failure to regularly perform mandated annual chemical agent training for officers. Specifically, in multiple housing units that contain more than twenty inmates, required security posts routinely lacked the continuous occupation of a correction officer. Also, inmate housing units lacked functioning mechanical or electrical time recording devices, necessary to record the completion of required officer supervisory visits of inmates secured in their individual housing unit while general supervision is performed. Absent these functioning mechanical or electrical time recording devices, the required records from these devices were not maintained by the DOC, nor were the records periodically reviewed by the Chief Administrative Officer. Furthermore, officers routinely ordered, supervised, and utilized chemical agents without having received the required annual training.

DOC was directed to maintain active supervision of inmates within a multiple occupancy housing unit by assigning a correction officer to continuously occupy a security post within any such unit in which more than twenty inmates are housed. DOC was also directed to install, maintain and utilize functioning mechanical or electrical time recording devices to record the completion of each required supervisory visit whenever all prisoners are secured in their individual housing units and general supervision is performed and for the facility's chief administrative officer to retain and periodically review the printed records of the time recording devices to verify that officers are properly completing their supervisory rounds. Lastly, DOC was directed to ensure that all facility staff with the authority to order the use of chemical agents, supervise such use, or use chemical agents, receive the required annual training and to ensure that those who have not been trained in the use of chemical agents or who have not received the required annual training do not order the use of chemical agents, supervise such use, or use chemical agents.

On October 21, 2015, the DOC responded to the Directive by indicating that they would assign an additional officer in the two identified housing units to the "C" post. The DOC also indicated that they planned to restore the previously installed watch tour system to be operational by the end of December 2015. In its response to the 2016 Directive for AMKC (detailed below), the DOC indicated that these watch tour systems were in place and operational. With regard to the issuance of chemical agents, the DOC indicated that the RNDC had established and implemented new written procedures to enforce and maintain compliance with the requirements. The DOC also indicated that they were working with the Correction Academy to schedule training for all RNDC staff whose chemical training had expired.

### **Anna M. Kross Center (AMKC)**

In March 2016, the Commission issued a Directive to New York City Department of Correction at Anna M. Kross Center for the violation of 9 NYCRR sections 7003.3(a), 7003.3(e), and 7003.3(f). The Directive cited the DOC for the failure to maintain minimum levels of inmate supervision. Specifically, in multiple housing units that contain more than twenty inmates, required security posts routinely lacked the continuous occupation of a correction officer. Also, inmate housing units lacked functioning mechanical or electrical time recording devices, necessary to record the completion of required officer supervisory visits of inmates secured in their individual housing unit while general supervision is performed. Absent these functioning mechanical or electrical time recording devices, the required records from these devices were not maintained by the DOC, nor were the records periodically reviewed by the Chief Administrative Officer. The DOC was directed to maintain active supervision of inmates within a multiple occupancy housing unit by assigning a correction officer to continuously occupy a security post within any such unit in which more than twenty inmates are housed. The DOC was also directed to install, maintain and utilize functioning mechanical or electrical time recording devices to record the completion of each required supervisory visit whenever all prisoners are secured in their individual housing units and general supervision is performed and for the facility's chief administrative officer to retain and periodically review the printed records of the time recording devices to verify that officers are properly completing their supervisory rounds.

On May 26, 2016, the DOC responded to the Directive by indicating that the DOC planned to install electrical time recording devices in cell housing areas in all of the DOC's correctional facilities. The DOC indicated that the watch tour system was already in place at Robert N. Davoren Center and George M. Motchan Center. The DOC went on to indicate that the watch tour system would be installed and implemented in George R. Vierno Center and Anna M. Kross Center by the end of 2016. On September 15, 2016, the DOC responded to the Directive by indicating that the DOC plans to request funding in the City's January 2017 Financial Plan to fund a capital project for the installation of Control Stations for the six West Modular Housing Units at Anna M. Kross Center that would be posted with officers who would monitor the West Modular Housing Units using cameras and intercoms.

### **Anna M. Kross Center (AMKC) – Reportable Incidents**

In August 2017, the Commission issued a Directive to New York City Department of Correction at Anna M. Kross Center for the violation of 9 NYCRR §7022.3(a)(1). The Directive cited the DOC for not making an immediate notification of a reportable incident as required by



regulation. Specifically, the DOC failed to properly notify the Commission of the escape of an inmate until more than five hours after the escape occurred. The DOC was directed to review and modify, if necessary, all operational documents that do not comport with the timelines for reporting reportable incident and to ensure that all personnel at the DOC who are assigned or may be assigned to report a reportable incident to the Commission follow the required reporting timeframes.

By letter dated September 12, 2017, the DOC responded to the Directive, alleging that it "has taken and is taking corrective actions and measures to comply with the requirements cited by the [Commission]." Among the planned action described, the DOC stated that it "is revising" a Departmental Directive regarding reporting significant facility incidents, and that it "will be issuing new command level procedures" to delineate lines of responsibility for reporting incidents. Verification of such action by Commission staff is forthcoming.

#### **Anna M. Kross Center (AMKC) – Construction and Renovation**

In September 2017, the Commission issued a Directive to New York City Department of Correction at Anna M. Kross Center for the violation of 9 NYCRR §7001.1. The Directive cited the DOC for failing to obtain prior approval by the Commission for construction and renovation projects. Specifically, the DOC failed to properly seek and obtain prior Commission approval for the installation of fence/support posts and concertina wire in the walk-way of the main outdoor exercise yard. The DOC was directed to review and modify, if necessary, all operational documents that do not comport with the requirement of prior approval for construction and renovation projects.

On October 24, 2017, the DOC responded to the Directive by indicating that they are drafting an Operations Order to establish policies and procedures for requesting construction/renovation projects which will specifically state that any plans and specifications for the construction and/or renovation of detention facilities must be submitted to the Commission for review and that approval from the Commission must be obtained prior to an advertisement for bids. The DOC also stated that if there is no bidding procedure for a project, then the Commission's approval must be obtained before any construction or renovation is undertaken.



**REPORTED SIGNIFICANT FACILITY INCIDENTS**

New York State Correction Law and Commission regulations require that all local correctional facilities report to the Commission significant and unusual events, such as prisoner deaths, escapes, facility fires, service disruptions, inmate group actions, etc. In most cases, these reports must be submitted to the Commission within 24 hours of occurrence. In the case of an inmate death, the facility must report the death within 6 hours of the pronouncement of death, and in several other instances (major disturbance, hostage situation, firearm discharge, etc.) the report is required immediately. Historically, such reporting was accomplished by a combination of telephone, facsimile, e-mail and other outdated electronic means, which rendered the data incapable of effective review, tracking and analysis. Collaborating with the New York State Office of Information and Technology Services (ITS), the Commission took steps to facilitate all such incident reporting via the eJusticeNY Integrated Justice Portal. Besides the obvious benefits to the Commission's data collection and management, correctional facilities will have the ability to search an individual inmate's institutional incident history. Such incident reporting has been operation and mandatory for both the DOC and county jails as of January 1, 2016.

Listed below are the total number of reported significant facility incidents for Rikers Island facilities, by incident category, together with the corresponding aggregate totals for all county jails in New York State. When comparing incident totals between Rikers Island facilities and county jails, it is important to note that the average daily inmate population for Rikers Island facilities, since 2016, is approximately **7,249**, while the average daily inmate population for county jails in that same period is **15,462**. Thus, the average aggregate daily population of county jails is *more than double* that of the facilities on Rikers Island.

Despite this population disparity, the number of incidents reported in each significant category are, in almost every instance, considerably higher for Rikers Island facilities than for county jails. Specifically, the number of inmate group/gang assaults and inmate/inmate assaults are more than double the corresponding totals of county jails, and the number of inmate/personnel assaults on Rikers Island is ten (10) times more. The number of both reported major and minor disturbances are more than double the amount reported in county jails. With regard to reported sex offenses, each category reflects a considerably greater amount of incidents in Rikers Island facilities than county jails.

**COMPARISON OF SIGNIFICANT INCIDENTS REPORTED BY RIKERS ISLAND FACILITIES AND COUNTY JAILS, BY INCIDENT CATEGORY**

\*\*For the period of January 1, 2016 to November 27, 2017, as of 9:30 a.m.

| <b>Incident Category</b>    | <b>Rikers Total</b> | <b>County Jails</b> |
|-----------------------------|---------------------|---------------------|
| Declared State of Emergency | 0                   | 1                   |
| Abscondence                 | 0                   | 2                   |
| Arrest of Staff             | 2                   | 3                   |
| Attempted Escape            | 3                   | 19                  |
| Capture/Erroneous Release   | 3                   | 8                   |
| Capture/Escape              | 4                   | 6                   |
| Discharge of Firearm        | 1                   | 4                   |

|                                      |              |             |
|--------------------------------------|--------------|-------------|
| Erroneous Release                    | 5            | 16          |
| Escape/Other Agency Supervision      | 1            | 8           |
| Evacuation of Facility               | 0            | 1           |
| Fire/Non-arson                       | 3            | 7           |
| Fire/Arson                           | 9            | 0           |
| Fire/Unknown Source                  | 0            | 1           |
| Group Contagious Illness             | 0            | 2           |
| Hospital Admission of Inmate         | 129          | 2175        |
| Individual Inmate Disturbance        | 3989         | 2120        |
| Inmate Accidental Injury             | 51           | 195         |
| Inmate Attempted Suicide             | 12           | 267         |
| Inmate Contagious Illness            | 4            | 15          |
| Inmate Group Action                  | 38           | 6           |
| Inmate Group/Gang Assault            | 214          | 57          |
| Inmate Self-Inflicted Injury         | 20           | 249         |
| Inmate/Inmate Assault                | 2370         | 804         |
| Inmate/Inmate Sexual Offense         | 77           | 13          |
| Inmate/Personnel Assault             | 2723         | 263         |
| Inmate/Personnel Sexual Offense      | 10           | 5           |
| Inmate/Visitor Assault               | 5            | 0           |
| Inmate-Introduced Contraband         | 746          | 1247        |
| Major Disturbance                    | 63           | 20          |
| Major Maintenance/Service Disruption | 5            | 37          |
| Minor Disturbance                    | 1472         | 699         |
| Natural/Civil Emergency              | 0            | 1           |
| Newborn/Infant Death                 | 0            | 1           |
| Personnel Accidental Injury          | 7            | 19          |
| Personnel Death                      | 6            | 6           |
| Personnel Group Action               | 0            | 2           |
| Personnel/Inmate Assault             | 509          | 3           |
| Personnel/Inmate Sexual Offense      | 192          | 14          |
| Personnel-Introduced Contraband      | 11           | 5           |
| Release of Hospitalized Inmate       | 5            | 288         |
| Unknown Source-Contraband            | 468          | 221         |
| Visitor Assault                      | 7            | 0           |
| Visitor/Inmate Assault               | 2            | 0           |
| Visitor-Introduced Contraband        | 357          | 162         |
| <b>TOTALS</b>                        | <b>13523</b> | <b>8972</b> |



Also relevant and revealing is a comparison of the number of significant facility incidents, reported by Rikers Island facilities, by year from 2016 to 2017. Listed below are the total number of reported significant facility incidents for Rikers Island facilities in 2016 and 2017, by incident category, for the period of January 1st to November 25th.

Comparing 2017 to 2016, Rikers Island facilities experienced significant increases in the number of inmate group/gang assaults and inmate/personnel assaults, while seeing the number of reported individual inmate disturbances double and reported minor disturbances nearly triple. Reported sexual offenses, in both the inmate/inmate and personnel/inmate categories, both experienced significant increases from 2016 to 2017.

**COMPARISON OF SIGNIFICANT INCIDENTS REPORTED BY RIKERS ISLAND FACILITIES  
FROM 2016 TO 2017, BY INCIDENT CATEGORY**

| <b>Incident Category</b>             | <b>1/1/16-11/25/16</b> | <b>1/1/17-11/25/17</b> | <b>% Change</b> |
|--------------------------------------|------------------------|------------------------|-----------------|
| Arrest of Staff                      | 2                      | 0                      |                 |
| Attempted Escape                     | 2                      | 0                      |                 |
| Capture/Erroneous Release            | 0                      | 3                      |                 |
| Capture/Escape                       | 2                      | 2                      | 0%              |
| Discharge of Firearm                 | 1                      | 0                      |                 |
| Erroneous Release                    | 0                      | 5                      |                 |
| Escape/Other Agency Supervision      | 0                      | 1                      |                 |
| Fire/Arson                           | 2                      | 6                      | 200%            |
| Fire/Non-arson                       | 1                      | 2                      | 100%            |
| Hospital Admission of Inmate         | 5                      | 123                    | 2300%           |
| Individual Inmate Disturbance        | 1209                   | 2547                   | 110%            |
| Inmate Accidental Injury             | 21                     | 26                     | 23%             |
| Inmate Attempted Suicide             | 3                      | 9                      | 200%            |
| Inmate Contagious Illness            | 1                      | 3                      | 200%            |
| Inmate Group Action                  | 20                     | 17                     | -15%            |
| Inmate Group/Gang Assault            | 55                     | 143                    | 160%            |
| Inmate Self-Inflicted Injury         | 13                     | 6                      | -54%            |
| Inmate/Inmate Assault                | 1204                   | 1048                   | -13%            |
| Inmate/Inmate Sexual Offense         | 29                     | 48                     | 66%             |
| Inmate/Personnel Assault             | 1104                   | 1479                   | 34%             |
| Inmate/Personnel Sexual Offense      | 7                      | 3                      | -57%            |
| Inmate/Visitor Assault               | 1                      | 4                      | 300%            |
| Inmate-Introduced Contraband         | 223                    | 491                    | 120%            |
| Major Disturbance                    | 31                     | 31                     | 0%              |
| Major Maintenance/Service Disruption | 3                      | 2                      | -33%            |
| Minor Disturbance                    | 355                    | 1045                   | 194%            |
| Personnel Accidental Injury          | 7                      | 0                      |                 |
| Personnel Death                      | 4                      | 2                      | -50%            |

|                                 |             |             |            |
|---------------------------------|-------------|-------------|------------|
| Personnel/Inmate Assault        | 205         | 286         | 40%        |
| Personnel/Inmate Sexual Offense | 90          | 100         | 11%        |
| Personnel-Introduced Contraband | 5           | 3           | -40%       |
| Release of Hospitalized Inmate  | 0           | 5           |            |
| Unknown Source-Contraband       | 203         | 248         | 22%        |
| Visitor Assault                 | 5           | 2           | -60%       |
| Visitor/Inmate Assault          | 0           | 2           |            |
| Visitor-Introduced Contraband   | 144         | 194         | 35%        |
| <b>TOTAL</b>                    | <b>4957</b> | <b>7886</b> | <b>59%</b> |

**INMATE MORTALITY INVESTIGATION FINDINGS**

The Commission's Correctional Medical Review Board is statutorily required, pursuant to Correction Law §47(1)(a), to "[i]nvestigate and review the cause and circumstances surrounding the death of any inmate of a correctional facility," and thereafter "submit its report to the commission and, where appropriate, make recommendations to prevent the recurrence of such deaths to the commission and the administrator of the appropriate correctional facility." Correction Law §43 provides that the Medical Review Board shall consist of six (6) uncompensated members, appointed by the Governor and confirmed by the New York State Senate, and chaired by one of the members of the Commission of Correction.

In recent years, the Medical Review Board has investigated numerous Rikers Island mortality cases wherein the inmate's death was directly attributable to grossly negligent medical and mental health treatment, the failure of DOC security staff to provide adequate levels of inmate supervision and care, and the failure of both entities to follow established policy and procedure. Examples of such cases are listed below, together with a synopsis of the Medical Review Board's findings contained in the Commission-issued report.

**AMKC****Individual 1**

DOD: 2013

COD: MEDICAL – OVERDOSE

MOD: ACCIDENT

ISSUES: MEDICAL CARE

- A review of the referral to the KEEP (methadone) program for screening of appropriate level of dependence was not done prior to Individual 1 being placed in the program.
- Individual 1 was inappropriately placed in a methadone program without supporting documentation of previous methadone programs, without any documented symptoms of withdrawal, and without any MD assessment or chart review. Urine toxicology was negative for methadone. Inmate denied being on methadone program in the community numerous times.
- Individual 1 was placed on a Librium protocol without any signs of withdrawal. All assessments for withdrawal scored "0".
- Individual 1 was not seen and evaluated by the MD after completion of dual detox protocol and beginning methadone. Failure of medical to comply with their own policy and procedure for Opioid Treatment Program which requires patients to be monitored for signs of over-sedation and respiratory depression which Individual 1 was noted by other inmates to have.

**Individual 2**

DOD: 2013

COD: COMPLICATIONS OF DIABETES

MOD: NATURAL

ISSUES: ADMISSIONS AND MEDICAL CARE

- Individual 2 reported history of diabetes and was noted to be vomiting with falling and unsteady gait during his admission processing. Individual 2 was not given proper medical care.

- Failure by DOC staff to follow Operations Order 22/91 *Emergency Health Care Log* which states inmates will be afforded prompt medical attention when required.
- Failure by NYC DOC staff to follow DOC Operation Order *Processing and Monitoring New Admission 16/89 (K)* that states from time of admission to DOCS to the time housed in Rikers Island Facility Timeframe for DOC/Medical processing (four hours), to housing assignment (four hours). Individual 2 was not taken to the medical clinic for almost 12 hours after his admission.
- Failure of RN to perform an assessment when summoned for a sick inmate and failure to properly document the encounter.
- Failure of NYC DOC staff to maintain documentation of emergencies in the log book.

### Individual 3

DOD: 2013

COD: DIABETIC KETOACIDOSIS AND SEPSIS

MOD: HOMICIDE

ISSUES: MULTIPLE MEDICAL CARE, SECURITY AND SUPERVISION, AND CIVIL RIGHTS VIOLATION ISSUES

- Inadequate psychiatric care as a sub-therapeutic antipsychotic was ordered without clinical indication.
- Failure by medical staff to complete ordered lab work in a timely manner.
- Medication order for insulin was discontinued without any physician order or review.
- Failure to produce Individual 3 to five specialty clinic appointments for his diabetes management.
- Inadequate psychiatric care by failing to recognize changing behavior and acts of self-injury subsequent to a medication change.
- Inadequate medical care by failing to conduct a thorough chart review and missing that Individual 3 had no current insulin order.
- Failure of medical staff to enter proper medical data.
- Failure to have Individual 3 produced for glucose readings 48 times in a 28-day period between 8/7/13 and 9/5/13.
- Inadequate medical care by a physician reviewing Individual 3's chart who missed his current medication regimen, and marking "no" for serious persistent mentally ill despite Individual 3's extensive psychiatric history.
- Failure of DOC officers to document reasons why Individual 3 was keeplocked in his cell. Additionally, no disciplinary or administrative segregation documentation was filed in justification of the keeplock placement.
- Failure of DOC officers to assure that meals were provided to Individual 3.
- Inadequate medical care as Individual 3 was denied access to medication while keeplocked in his cell from 9/4/13 to 9/10/13.
- Failure of DOC officers to provide Individual 3 access to a shower.
- Failure of DOC officers to provide Individual 3 access to exercise outside his cell.
- Inadequate mental health care in violation of Correctional Health Services Policy that requires a mental health clinician to see any patient daily in a mental health observation unit 7 days a week.
- Failure to provide adequate medical care in violation of Correction Law sections 137(6) and 500-k that require medical staff to examine confined inmates every 24 hours.
- Multiple failures by DOC officers to maintain a constant supervision post on another inmate in the housing unit in violation of 9 NYCRR §7003.2(d).



- DOC officers shutting off water to Individual 3's cell denying him access to water for over 4 ½ days without any documented order or return of water for drinking or sanitation purposes.
- Violations by DOC officers to provide other keep locked inmates in the same housing area access to showers and exercise in excess of 72 hours.
- Deliberate falsification of official records by DOC officers and supervisors who made log book entries of completing supervisory tours when recorded video footage shows no actual visits were conducted.
- Multiple failures of DOC supervisors to document and intervene with the grossly obvious unsanitary conditions inside Individual 3's cell.
- Failure of DOC officer to notify the medical clinic that Individual 3 was critically ill. Individual 3 was found unresponsive in his cell, naked, and covered in feces.

#### Individual 4

DOD: 2013

COD: PERFORATED ULCER

MOD: NATURAL

ISSUES: MEDICAL CARE

- Medical staff failed to properly diagnose and treat Individual 4's perforated ulcer and fatally misdiagnosed him with gastroenteritis.

#### Individual 5

DOD: 2013

COD: SUICIDE

MOD: SUICIDE

ISSUES: SECURITY ISSUES, FAILURE TO FOLLOW POLICY, MEDICAL AND MENTAL HEALTH CARE

- Individual 5 was documented on the DOC *Arrestment and Classification Risk Form* as showing signs of mental illness however this was contraindicated on the completion of the form by the Supervisor.
- DOC staff failed to follow proper policy and procedure for suicide screening. The *Suicide Prevention Screen* (Form 330 ADM) was scored as a "4" with the first five questions left blank. Individual 5 did answer yes to wanting to hurt himself. The proper procedure was not followed with that response. Constant supervision was not initiated per DOC Directive *Suicide Prevention #4521*.
- DOC does not provide any refresher training for suicide prevention
- A use of force occurred following Individual 5's self-harm attempt and there was insufficient documentation on the Injury to Individual 5 report under DOC Directive 4516. DOC staff failed to indicate that Individual 5 made an attempt to hurt himself.
- DOC staff failed to provide mental health housing when ordered.
- DOC staff failed to submit a mental health referral for an inmate in distress following a PROBE team response for violent conduct.
- DOC staff failed to document another attempt at self-harm, failed to generate a mental health referral, and failed to report or document incident which is violation of DOC Directive 4521 *Suicide Prevention* and DOC Directive 4018 *Referral of Inmates to Mental Health Services*.
- DOC staff violated Operation Order 16/89, *Processing and Monitoring New Admission* which allows a maximum 16-hour time frame, where Individual 5 was kept for approximately 19 hours in a holding pen.

- Failure of DOC staff to complete maintenance work on the shower frame in AMKC Intake Pen #8

**Individual 6**

DOD: 2014

COD: ACCIDENT – EXTREME HYPERTHERMIA

MOD: ACCIDENT

ISSUES: MECHANICAL FAILURE OF HEAT REGULATION IN CELL, LEAD TO TERMINAL LIVING CONDITION, FAILURE OF DOC STAFF TO PROPERLY SUPERVISE

- Individual 6 had a long history of mental health issues and was placed in mental health observation housing in AMKC.
- Due to a failure of a regulator on the heat system, the temperature inside Individual 6's cell remained in excess of 100 degrees, a temperature incapable to maintain stable health with prolonged exposure.
- The DOC officer assigned to supervise the housing area failed to conduct required supervisory visits in violation of 9 NYCRR §7003.3(c).
- The DOC officer assigned to supervise the housing area falsely documented the log book that rounds were complete. The officer was terminated and criminally charged.
- Individual 6 suffered a terminal seizure due to prolonged exposure to the excessive heat. When Individual 6 was found he was in rigor mortis indicating death in excess of over two hours. This indicates that supervisory rounds were not completed in comportment with 9 NYCRR §7003.2.
- DOC staff failed to recognize and address a serious environmental condition that affected the safety and health of the inmates. The area supervisors during tours failed to recognize and take appropriate action of the excessive temperatures on the unit.

**Individual 7**

DOD: 2015

COD: CHRONIC SUBSTANCE ABUSE

MOD: NATURAL

ISSUES: FAILURE TO IDENTIFY FOR DRUG WITHDRAWAL, INADEQUATE FIRST AID AND EMERGENCY RESPONSE

- DOC staff failed to identify and institute precautionary measures for a new admission inmate at high risk for experiencing drug withdrawal.
- DOC staff failed to provide adequate first aid and cardiopulmonary resuscitation at the terminal event.
- DOC staff failed to provide proper security by allowing inmates to remain in the area of a life-threatening emergency.
- Several of the responding officers, including supervisors, were out of compliance with DOC policy and SCOC regulations for First Aid/CPR/AED certification at the time of the incident.

**GRVC**

**Individual 8**

DOD: 2012

COD: INGESTION OF CAUSTIC CHEMICAL

MOD: HOMICIDE (NEGLECT OF MEDICAL CARE)  
ISSUES: SANITATION (SEWAGE BACK UP), DELIBERATE REFUSAL OF DOC STAFF TO OBTAIN MEDICAL ASSISTANCE, FAILURE TO PROPERLY SUPERVISE

- A sewage backup occurred in the housing area due to a plumbing failure. Inmates were issued "soap balls" to clean their individual cells. A "soap ball" was a packet of highly concentrated detergent intended to be diluted in a mop bucket for cleaning. Individual 8 swallowed one in an attempt to have his housing assignment changed.
- Individual 8 began having severe esophageal corrosion and burning due to the caustic chemicals in the soap packet. Individual 8's requests for medical help were deliberately ignored by the officer and captain assigned to supervise the area.
- The officer was terminated and the captain was convicted of violating Individual 8's civil rights and sentenced to five years in federal prison.
- Individual 8 was found in full *rigor mortis* the following morning by medical staff on rounds.

### NIC

#### **Individual 9**

DOD: 2012

COD: HOMICIDE – USE OF FORCE BY OFFICERS

MOD: HOMICIDE

ISSUES: USE OF FORCE. FALSIFIED DOCUMENTATION BY DOC OFFICERS

- Individual 9 had multiple medical issues including chronic kidney failure and required dialysis.
- Individual 9 had been hospitalized 11 times during his incarceration.
- Individual 9 reportedly got into a confrontation with officers in his housing area. Officers reported that Individual 9 attempted to strike them with his cane, and force was used by officers to control him. Physical findings at Individual 9's autopsy contradicted the officers' reports and showed that he had multiple injuries not consistent with the reported use of force.
- Investigation by the US Attorney's office found that officers violated Individual 9's civil rights by assaulting him while he was restrained. Officers were found guilty of falsely documenting the incident.

### OBCC

#### **Individual 10**

DOD: 2013

COD: PERITONITIS DUE TO NECROSIS OF THE STOMACH FROM POSSIBLE INGESTION OF CAUSTIC SUBSTANCE

MOD: NATURAL

ISSUES: FAILURE TO PRODUCE TO MEDICAL AND FOLLOW POLICY

- Failure of DOC and medical to have Individual 10 produced to medical appointments. Individual 10 missed eight medical encounters to evaluate his asthma. These were documented as "no show" and a pattern of missed appointments for the medical contractor



- was noted as a finding which led to poor medical care in past cases.
- DOC failed to follow Operation Order *Daily Sick Call* in that Individual 10 requested to see medical and witnesses attested that it was not afforded to him.
- DOC failed to provide proper access to medical as Individual 10 was informed there was no sick call due to a holiday. The Operation Order *Daily Sick Call* states sick call is offered daily.
- DOC failed to maintain proper documentation as sick call forms completed by inmates were not accessible to Commission staff.
- DOC failed to document refusal of attendance to meals or refusal of meals

#### Individual 11

DOD: 2013

COD: SUICIDE – HANGING

MOD: SUICIDE

ISSUES: SECURITY AND SUPERVISION, POLICY AND PROCEDURE, MENTAL HEALTH CARE

- DOC officers failed to follow Directive, *Inmate Observation Aide*, as the Suicide Prevention Aide did not make rounds per the directive and the officers did not enforce the directive with the assigned aides.
- DOC failed to provide proper supervision as rounds were not completed for three consecutive 30 minute intervals.
- An inadequate emergency response by DOC staff in that the cell was not entered for three minutes because the senior officer felt Individual 11 may have been "playing possum."
- An inadequate emergency response by DOC staff in that CPR was not initiated by discovering officers for eight minutes.
- Inadequate security inspection by DOC staff as emergency equipment on the punitive segregation unit was missing.
- Inadequate response by DOC staff related to Individual 11 making suicidal statement.
- Failure by DOC staff to have Individual 11 produced for mental health encounters nine times, with a lack of follow up by mental health care providers.
- Inadequate mental health care as Individual 11 refused three times to attend mental health encounters, and mental health clinicians failed to follow up.
- Inadequate mental health care as there was an inadequate assessment of Individual 11 prior to his placement into punitive segregation
- Inadequate mental health care as there was a lack of collaboration and adequate assessment by a mental health physician's assistant and her collaborating physician.

#### Individual 12

DOD: 2014

COD: SEIZURE

MOD: NATURAL

ISSUES: MEDICAL CARE AND SUPERVISION

- DOC staff failed to provide proper supervision in accordance with 9 NYCRR §7003.2(a).
- DOC failed to provide proper supervision in accordance with 9 NYCRR §7003.2(b).
- Inadequate medical care as Individual 12 was not delivered his anti-seizure medication on a regular basis while housed in punitive segregation.
- Individual 12's prescriptions were not properly transferred between facilities when moved into punitive segregation.

- Proper lab monitoring of Individual 12's anti-seizure medication was not performed.
- DOC staff failed to comply with Operations Order 22/91, *Emergency Health Care Log*, by failing to refer Individual 12 to medical despite him making numerous requests.

## RNDC

### **Individual 13**

DOD: 2015

COD: SUICIDE HANGING

MOD: SUICIDE

ISSUES: SUPERVISION AND MENTAL HEALTH CARE

- Inadequate mental health care as there was no follow up by the psychiatric nurse practitioner when made aware of Individual 13 refusing transfer to C-71.
- Failure of medical provider to recognize a pattern of self-injurious behavior as risk factor of suicidal intent.
- Failure to provide a psychiatric evaluation following referral by medical provider. Inmate was evaluated by non-physician level clinician.
- Failure of DOC staff to immediately place Individual 13 on a suicide watch as ordered, resulting in Individual 13 being transferred back to general population and placed in his cell with no precautions.
- Failure by DOC staff to complete a Suicide Risk Screen on a new admission.
- Failure of DOC staff to secure the area of a medical emergency, resulting in inmates having access to an unconscious inmate without supervision.

### SANITATION AND PHYSICAL PLANT CONDITIONS

For a three (3) day period of March 18, 2017 to March 20, 2017, six (6) Commission staff performed comprehensive tours of each DOC correctional facility on Rikers Island, for the sole purpose of noting and assessing facility sanitation and physical plant conditions. Besides making notes of observed deficiencies, Commission staff took over 1,300 pictures documenting the same. Commission staff were, at all times, accompanied by staff of DOC's Office of Policy and Compliance. Set forth below are synopses of conditions observed by Commission staff during said tours, by facility:

#### AMKC

- Facility not consistently issuing toilet paper, undergarments and pillows. Inmates take toilet paper from a roll hanging in the sub-control room.
- Intake area toilet and sink did not flush or work.
- Housing units have sheets covering the cell door windows or such windows are covered with magazine pictures.
- Clotheslines allowed to be hung across the cell to which creates poor sightlines into the cell.
- Officer leaving unsecured keys laying around in unsecured control room.
- Fire doors, exterior doors rotted on bottom.
- Facility providing laundry services only once a week (per inmates and facility staff), not the required twice, and have inmates wash their own laundry in provided white wash buckets.
- Facility is not consistently issuing pillows, nor is there a schedule to launder blankets (staff and inmates advise that blankets can go months without being washed).
- Inmate cell areas, common areas, shower areas, and bathroom areas are unsanitary.
- Peeling paint, rust, water damage, and deteriorating walls, floors and ceilings throughout the facility due to water leaks and water damage. Toilets and sinks leaking.

#### EMTC

- Abandoned post - facility staff conducting cross tour supervision (unit 10 Lower was without an Officer from 3:31PM until 4:20PM on 3/18/17).
- Cracked dorm windows: EMTC 5 Upper.
- Broken Dorm window repaired with a piece of Plexiglas cover: EMTC 5 Upper.
- Lights out/not working causing poorly lit areas.
- Intake Officer maintains keys that opens exterior door. 6 Lower (Unit Paws for Purpose) housing officers maintain exterior fire door keys to let the dogs out to go to the bathroom.
- 12 Upper - no hot water. Last work order placed 12/3/16.
- Inmate cell areas, common areas, shower areas, and bathroom areas are unsanitary. Additionally, there is peeling paint, rust, water damage, and deteriorating walls, floors and ceilings due to water leaks and water damage. Toilets and sinks leaking.
- EMTC 5 Upper has plastic bags over windows to stop drafts from entering through the windows.
- 12 Lower janitor's closet appears to have mold on the ceiling.
- Exit door lights out.
- Multiple fire extinguishers are tagged as being expired; one with questionable charge level.



- EMT 10 Main shows fire alarm system reading a fire alert, but no acknowledgement. Advised the fire alarm system is down so staff consider it a false alarm and ignore.
- Facility fire safety system is reported to be only 75% complete.
- Damaged and bent beds.

#### GMDC

- Facility's main control room closed for (non-approved) renovation. Area sealed and notices of asbestos abatement posted on door.
- Multiple housing areas were closed for construction and or renovation (GMDC 8 Main A; & 8 Main B).
- GMDC 6 Main B, has hole cut out/missing blocks running up/down cell exterior wall.
- 6 Main B, heating radiator torn out of cell.
- GMDC Dorm 6 has plywood over the floor for support.
- GMDC 6 Upper B operates on the BAR, no key tumblers and electric locks do not consistently work.
- GMDC 6 Main B, has hole cut out/missing blocks running up/down cell exterior wall.
- GMDC 2 Upper, Plexiglas replaced window is broken open, pen stuck through to show non-secure window.
- GMDC Main Corridor Hallway Lights have no security cover over the light bulbs.
- 2 Upper B Side, no hot water; last work order was 2/17/17.
- 9 Main A, water leak down the wall.
- Inmate cell areas, common areas, shower areas, and bathroom areas are unsanitary. Additionally, there is peeling paint, rust, water damage, and deteriorating walls, floors and ceilings due to water leaks and water damage. Toilets and sinks leaking.
- Rodent Infestation.
- Insect infestation.
- GMDC 2 Upper - water in plumbing chase.
- GMDC Mod 4, weak floor, floor sinks when you step on it.
- GMDC Dorm 6 - pails catching water dripping from the ceiling.
- Exit door lights out.
- GMDC 6 Main B, Fire Exit Door and stairway has water leaks, water damage, rusted and corroded fire hatch that goes to the roof, falling pieces of ceiling.

#### GRVC

- Looking glass window on cell doors in 2B Isolation provide poor visibility into an inmate's cell due to such windows being scratched.
- Other units have sheets covering the cell door windows or such windows are covered with magazine pictures.
- Control room doors left ajar.
- Officers allow clotheslines to be hung across the cell to which creates poor sightlines into the cell.
- Broken window in GRVC Segregation Intake.

- Off-going staff leave post before properly relieved due to relief staff being used for searches. Unit Bldg. 15 A last entry was at 7:30am, relieving staff did not get on unit until approximately 9:30am.
- Housing area 2B Isolation has drains that backup and cause sewage to overflow out of the drains and onto the housing area floors (per Officer working the housing area).
- Inmate cell areas, common areas, shower areas, and bathroom areas are unsanitary. Additionally, there is peeling paint, rust, water damage, and deteriorating walls, floors and ceilings due to water leaks and water damage. Toilets and sinks leaking.
- Insect and rodent infestation is evident. Pictures taken of bugs and mice in the facility housing areas and plumbing chaises.
- GRVC Bldg. 15 control room has water leak that falls from ceiling and down onto electronics.
- GRVC 7B has exposed uncapped wires in plumbing chase.

#### NIC

- NIC main building was completely closed. Unable to get someone to escort SCOC staff through the building as no one on duty knew the keys to the areas.
- Annex is open, but many areas cannot be accessed without going to the main facility to obtain keys.
- Water leaks evident throughout facility.
- Numerous floor patches throughout facility.
- Inmate property is scattered throughout the facility.
- Security camera covered with paper.
- Medical room not secured, allowing inmate access to medical equipment.
- Metal floor covering not secured in place.
- Vents are dirty.
- Showers in need of repair and replacement.
- Wheelchair-bound inmates in infirmary have no access to shower chairs.
- Garbage bags stacked on loading dock. It was explained that the compactor is broken.
- Residential-type "bug zapper" hung in the intake area due to insect infestation.
- Exposed electrical wires.
- Exposed hot water tank wires.
- Several housing unit egress doors blocked.

#### OBCC

- Many security windows repaired with non-secure plexiglass.
- Evidence of water leakage throughout facility.
- Inmate property is scattered throughout the facility.
- Inmates allowed to cover their cell windows.
- Ceilings throughout the facility have fallen.
- Exterior doors are rusted.
- CERT room not secured and accessible to inmates in Admission area.
- Vents are dirty.

- Showers are in need of repair and replacement.
- Inmate water fountains are rusted.
- Exposed electrical wires.
- Cells are used for storage.
- Showers peeling paint and dirty.
- Major water leak on right side elevator.
- elevator broken and not operational.
- Shower drain not draining, flooding the shower area.
- Shower not operational.
- Captains office was barricaded with plywood and officer had no access.
- A/C Units were in the wall and drained into hallways.
- Main structure hallways have multiple leaks from the roof into the corridors. Ceiling tiles falling down in many areas.
- Many of the exterior doors are rusted to the point of unsafe.

#### RMSC

- Many security windows repaired with non-secure plexiglass.
- Non-security grade lighting.
- Evidence of water leaks throughout the facility.
- Inmate property scattered throughout the facility.
- Lock and doors have key numbers on them.
- Porcelain toilets and sinks.
- Many showers and toilets are in poor condition and not cleaned.
- Clogged and non-operational toilets and showers.
- Vents are not cleaned.
- Rusted ceilings throughout the facility.
- Traps are not replaced in a timely manner.
- Water closets are extremely dirty and have exposed wires in them.
- Infestation of fruit flies in several areas.
- Several water leaks into electrical fixtures.
- Exposed electrical wires.
- Access to non-secured electrical panels.
- Supplies stacked to the ceilings.
- Flammable items stacked above and adjacent to dryer vents.
- Closed cells are used for storage.

#### RNDC

- Commission staff notified by Key Control Officer that many locks cannot be replaced as the doors are filled with asbestos
- Security windows repaired with non-secure plexiglass.
- Non-security grade lighting.
- Basement had a wide hole through the concrete floor, approximately 15–20 feet deep.
- Numerous water leaks in basement.

- Staff dining area has significant roof leak.
- Lock and doors have key numbers on them.
- Inmates can open newly installed slider doors on the housing units.
- Porcelain toilets and sinks.
- Many bunks are bent and need to be replaced.
- Many showers and toilets are in poor condition and not cleaned.
- Roof leaks throughout the building.
- Vents are not cleaned.
- Rusted ceilings throughout the facility.
- Water leaks into electrical fixtures.
- Exposed electrical wires in basement area.
- Access to unsecured electrical panels.
- Supplies stacked to the ceilings.
- Flammable items stacked above and by dryer vents.

#### WEST

- Security windows repaired with non-secure plexiglass.
- Construction project in kitchen area not secured from inmates.
- Non-security grade lighting.
- Inmate property is scattered throughout the facility.
- Doors to main facility broken and not operational.
- Water leaks in tent structure.
- Substructure of floor rotted through.
- Inmates hang sheets over their housing area, preventing officer supervision.
- Exposed electrical wires.
- Supplies stacked to the ceilings.
- Closed cells are used for storage.
- Snow is not removed from external doors, preventing emergency egress.
- Floor tiles missing.
- Leaks from roof rotted the floor in an unsecured pen.
- Toilets in pens extremely filthy.
- All exterior doors were not secured or locked. Inmates were able to let themselves out if they desired.
- All exterior doors were blocked by snow covering.
- Front door not secured. Work order submitted on 3/15/2017.

**Exhibit Q**  
**of the Proposed First**  
**Amended and Supplemental**  
**Complaint**

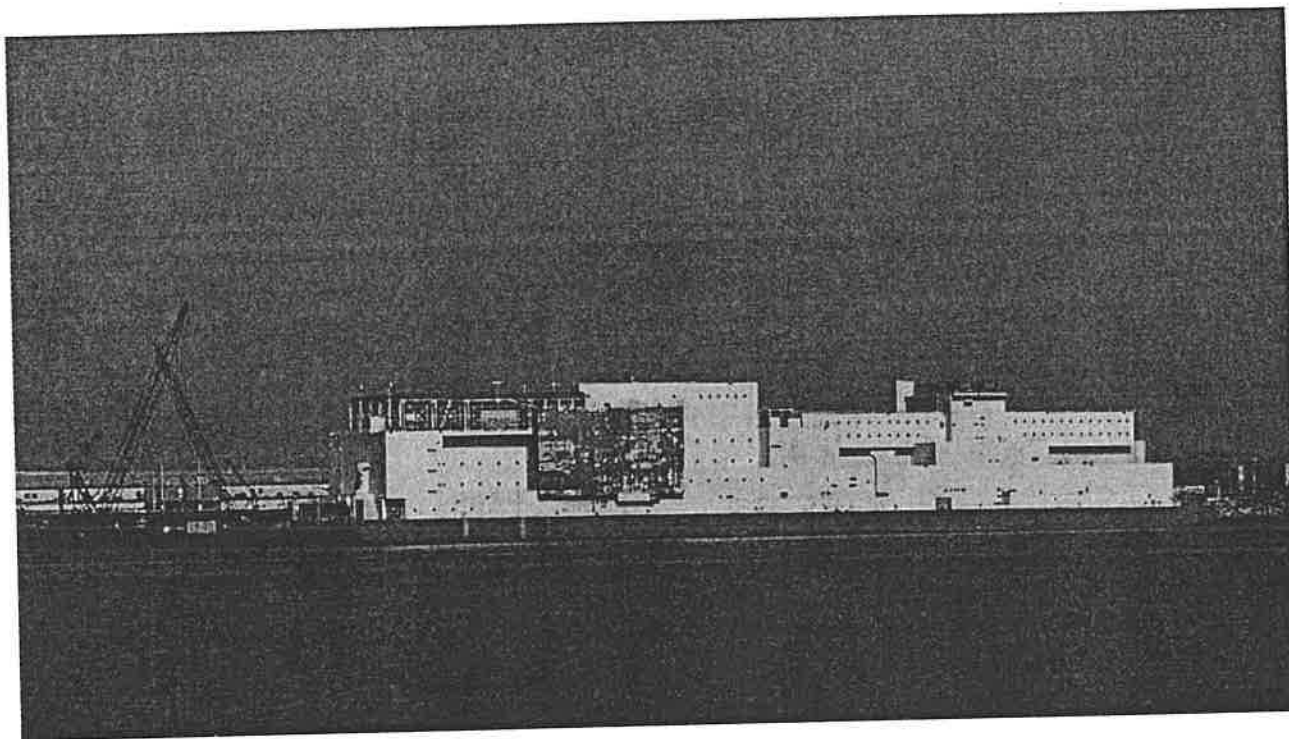


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## Bronx jail barge on lockdown following three attacks on correction officers, inmate brawl

BY REUVEN BLAU

NEW YORK DAILY NEWS Tuesday, May 9, 2017, 3:02 PM



Inmates at The Vernon C. Bain Center off Hunts Point in the Bronx were acting up on Tuesday. (JAMES KEIVOM/NEW YORK DAILY NEWS)

Officials ordered a lockdown of the city's jail barge moored in the East River after four attacks on officers Tuesday, including one who was stabbed inside the facility's barbershop, records show.

The violence started when inmate Kevin Dubuisson, 20, allegedly spat at an officer twice and began to fill up a milk carton with toilet water inside his cell at the Vernon C. Bain Center off Hunts Point in the Bronx at 7:46 a.m., internal Correction Department records show. The inmate was subdued with pepper spray and taken down by a jail captain. Dubuisson is in jail facing felony charges for stealing money and attacking his mother May 1. While in custody, he allegedly punched a police officer in the face at Long Island Jewish Medical Center during a medical evaluation on May 6.

On the barge, the second incident occurred a little less than two hours later when a group of inmates set upon a rival detainee inside the facility's barbershop, records show. A city jail officer trying to break up the fight was stabbed in the arm during the melee, sources said.

About an hour later, inmate Jonathan Perez refused to go into his housing pen and "lunged toward staff," records show. A jail officer then hit Perez with a shot of pepper spray. Perez is in jail facing charges of burglary and attempted robbery.

About 15 minutes later, Dubuisson acted out again, and allegedly tried to attack another officer inside the medical clinic, records show.



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### New York: Cable Companies Are Furious Over This Tiny Device

"Safety is the Commissioner Joseph Ponte's top priority, and we will continue to take every step in order to ensure the safety and security of our staff and inmates," said department spokesman Peter Thorne, adding that incidents were under investigation. The union president representing jail officers said the sudden spike in violence was in part due to lack of space at the facility.



The barge can hold up to 870 inmates, record show.

But jail brass tried to move in an extra 17 inmates in the facility Monday night, according to Elias Husamudeen, president of the Correction Officers Benevolent Association.

A frustrated jail captain kept the inmates inside the jail bus for two hours as he desperately scrambled to find space for the extra detainees, Husamudeen said.

"I'm about to just lose it," a frustrated Husamudeen said. "We've got a problem over there. The public needs to know that this commissioner and mayor are losing their minds. He's so busy trying to defend someone for misusing city property but he doesn't care about the safety of officers and inmates."

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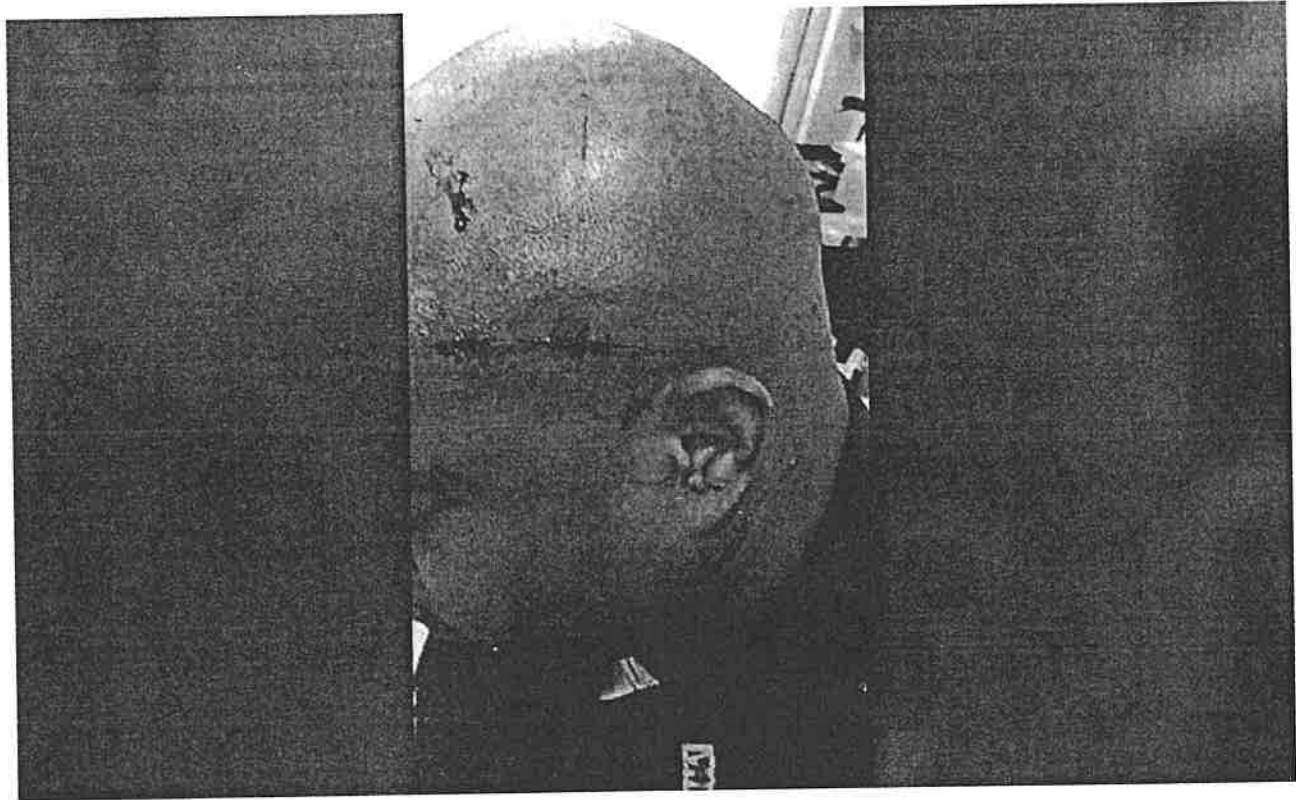
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## Inmate arraigned day after he allegedly slashed correction officer with hidden blade in Manhattan courthouse

BY ELLEN MOYNIHAN

NEW YORK DAILY NEWS Thursday, September 7, 2017, 1:35 AM



This photo shows the wounds of a correction officer who was slashed by an inmate in a Manhattan courthouse Tuesday. (OBTAINED BY DAILY NEWS)

The hulking inmate accused of slashing a correction officer with a hidden blade was back in court on Wednesday.

James Casey, already being sentenced to five years in prison for three violent Manhattan robberies, attacked the officer as he tried to put restraint mitts on him inside the Manhattan criminal courthouse downtown a day earlier, prosecutors said.

The officer was taken to Bellevue Hospital, where doctors stitched up his neck.

Casey, 20, was charged with felony assault and criminal possession of a weapon, officials said. He was held without bail after being arraigned in Manhattan Criminal Court Wednesday afternoon.

Just prior to the alleged attack, Casey was in the holding pen of the court, being prepared for removal to his housing facility at the Vernon C. Bain Center, according to Elias Husamudeen, president of the Correction Officers' Benevolent Association.

Casey had stashed a 1.5-inch razor inside a pen cap.

"This is the problem. The metal detectors that they have here don't detect the weapons the inmates are using," Husamudeen said.



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GEORGE'S



James Casey attacked the officer as he tried to put restraint mitts on him inside Manhattan criminal courthouse (pictured). (JEFFERSON SIEGEL/NEW YORK DAILY NEWS)

Over 150 corrections officers packed the courtroom, filling the benches and aisles, leaving a narrow pathway from the doors of the court.

Defense attorney Alexandra Bonacarti did not ask for bail for Casey, but did ask for something to eat.

"I would just like to make a record despite the seriousness...I have been informed he has not been given food and water since yesterday," she said.

The crowd of correction officers hissed and gasped with derision, a few waving their arms in a dismissive manner.

"I am just asking that my client gets food, water, and medical treatment," Bonacarti continued, which was ordered by the judge.

Casey is due back in court on Monday.

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## Exclusive: Rikers inmate warns 311 operator before attacking correction officer

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# Rikers Inmate Phone Call

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Jim Hoffer has exclusive information on an attack in Rikers.

By Jim Hoffer and Daniela Royes

Thursday, November 30, 2017

**RIKERS ISLAND, New York (WABC)** -- In video exclusively obtained by Eyewitness News, an inmate in Rikers for robbery and felony assault is seen viciously attacking a correction officer. The attack, which occurred three months ago, left the officer unconscious with facial fractures.

7 On Your Side Investigates has learned that the inmate had warned jail officials about the attack the day before in two separate calls to 311. In those calls, inmate Joseph Cannon tells the 311 operator, "It shouldn't be to the point where I want to kill somebody. It's not an idle threat that's what I'm telling you before I do it."

Hours later, Cannon calls 311 back and again makes a threat. "I'm about to kill one of those officers. I'm about to murder somebody." The Department of Correction would not tell us whether any warning was passed on to the correction officers nor if any additional precautions were taken. But video clearly shows, the correction officer alone opening the door to Cannon's cell with the sudden attack taking the officer by surprise.

President of The Correction Officers' Benevolent Association Elias Husamudeen says, "They completely dropped the ball." He went on to say, "The call came through the Department of Correction and they did absolutely nothing to protect this correctional officer."



lock them in, we can't lock them to a desk, we can't put them in segregation," Husamudeen said. "But they have not answered the question as to what can we do with them."

The most recent Mayor's Management Report shows the rate of assaults on Rikers staff is up dramatically. From 5.9 assaults a month per 1,000 inmates in 2014 to 8.4 assaults per month in the last fiscal year, a 42 percent increase.

While the correction union blames reforms, DOC Spokesman Peter Thorne says, "We use punitive segregation when necessary for violent inmates who commit heinous acts, including this individual who cowardly attacked an officer." Thorne added, "Punitive segregation is not a one-size-fits-all solution." He added, "Any inmate who attacks our uniformed staff will face consequences, including charges and prosecution by the District Attorney's Office."

Husamudeen says they're playing with fire. "I say to the mayor and everyone else, what are you going to do? Does one of us have to be murdered in uniform before you take action?"

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Email your questions, issues, or story ideas to [7OnYourSideJim@abc.com](mailto:7OnYourSideJim@abc.com)

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#### Danielle Leigh

Email your questions, issues, or story ideas to [7OnYourSideDanielle@abc.com](mailto:7OnYourSideDanielle@abc.com)

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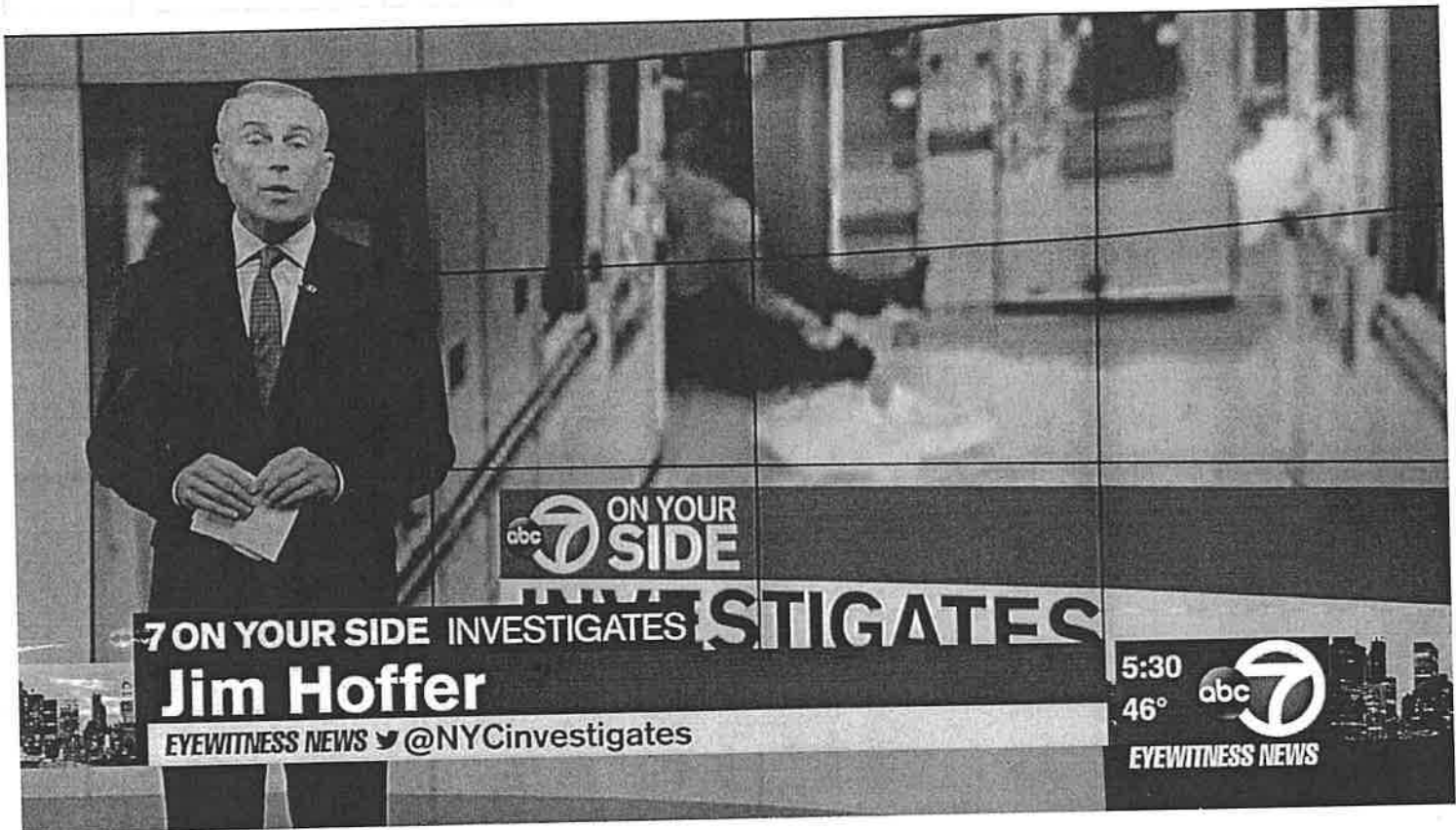
## Exclusive: Rikers inmate warns 311 operator before attacking correction officer

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By Jim Hoffer and Daniela Royes

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President of The Correction Officers' Benevolent Association Elias Husamudeen says, "They completely dropped the ball." He went on to say, "The call came through the Department of Correction and they did absolutely nothing to protect this correctional officer."

A week ago on Thanksgiving, another inmate attacked a Correction Captain as he made rounds in the inmate housing area. Violence is on the rise at Rikers, according to the union, because under Mayor Bill de Blasio, disciplinary sanctions have been watered down. "We can't lock them in we can't lock them to a desk we can't put them in segregation." Husamudeen said. "But they have not answered the question as to w

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## Rikers inmates repeatedly punch correction officer a day after de Blasio vows less violence

BY REUVEN BLAU

NEW YORK DAILY NEWS Friday, December 8, 2017, 10:03 AM



The unnamed officer was repeatedly punched in the face by the inmates inside the Anna M. Kross Center on Rikers Island. (OBTAINED BY NY DAILY NEWS)

A day after de Blasio administration officials vowed they were doing everything possible to tamp down violence behind bars, a city correction officer was beaten by a trio of gang members after one refused to go back into his cell.

The unnamed officer was repeatedly punched in the face by the inmates inside the Anna M. Kross Center on Rikers Island on Wednesday at 12:55 p.m., records show.

The fight occurred after the officer asked inmate Elvin Hernandez to "step inside his cell," according to an internal Correction Department report.

Hernandez refused and pushed the officer in the chest, the report says.

In response, the officer hit Hernandez with pepper spray.

Hernandez then shoved the officer to the floor and began punching him in the face, according to the department. He was joined by two other inmates.

The inmates involved are all gang members, a jail source familiar with the attack said. The assault was captured on video surveillance.



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Hernandez is in jail on murder charges. Prosecutors say he asked the victim if he was a member of the Kings gang before the fatal shooting on Sept. 3, 2016.

Elias Husamudeen, president of the Correction Officers Benevolent Association, was furious over the latest attack.

"This picture doesn't just reflect a horrific inmate attack on our correction officer, it reflects Mayor de Blasio's epic failures in reducing jail violence over the past four years," he said. "How many more correction officers need to be assaulted before this city takes the necessary action to keep us safe? Our message to the mayor, as he begins a new term, is simply this: do your damn job!"

A Correction Department spokesman said the inmates involved will be punished.

"Assaulting our officers, who bravely perform one of the most difficult jobs in law enforcement, is intolerable," said spokesman Peter Thorne. "These inmates were removed from the facility and were placed in restrictive housing. As proven by our inmate arrests — a 41% increase in the last two years — there are consequences for inmates who attack our uniformed staff. And the inmates involved in this assault will be arrested."

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Topics > Officer Safety > Articles

# Rikers inmates indicted in beating of DOC captain on Thanksgiving

**The attack was an act of retaliation after Capt. Awais Ghauri used pepper spray to dissolve a fight between inmates**

Dec 15, 2017

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By Rajvi Desai  
amNewYork, New York

RIKERS ISLAND, N.Y. — Fifteen Rikers Island inmates have been indicted on charges of carrying out a planned assault on a city Department of Correction captain on Thanksgiving Day, Bronx District Attorney Darcel Clark announced Thursday.

The attack was an act of retaliation, according to Clark, after Capt. Awais Ghauri used pepper spray to dissolve a fight between inmates on Nov. 2. One of the defendants in the case, Jason Reid, allegedly threatened to “cut” Ghauri if he used the pepper spray, the district attorney added.

After the incident, Reid, who is member of the Bloods street gang, gathered his fellow inmates and planned an assault on Ghauri, Clark said.

An investigation into the Thanksgiving Day beating revealed surveillance footage of the defendants meeting at 12:15 p.m., 90 minutes before they attacked Ghauri, Clark said. Reid knocked the captain down from behind, and punched him several times, she said.

The other 14 defendants surrounded the two and “physically blocked and threatened” other officers trying to rescue Ghauri, with a few of the inmates using a stolen canister of pepper spray as well, Clark said. Two of the indicted inmates, Maurice Hennegan and Lyemel Summerville, later joined Reid in punching Ghauri, who suffered multiple injuries, according to the district attorney.

Ghauri has not returned to work as of Thursday, Patrice O’Shaughnessy, spokeswoman for the Bronx district attorney’s office, said.



"This case presents a chilling picture of the society of violence on Rikers Island, with gang members who think they control the jails," Clark said. "But they do not; the rule of law does."

The 15 defendants face a slew of charges, including first-degree robbery, attempted gang assault and riot, according to Clark. If convicted of first-degree robbery, the inmates could face up to 25 years in prison.

"We will never tolerate any assault on our officers," Cynthia Brann, city Department of Correction commissioner, said. "As demonstrated by these indictments and arrests, anyone involved in such an assault will face consequences."

Seven of the defendants were arraigned before Bronx Supreme Court Justice Robert Neary on Tuesday and are expected back in court on March 14, according to the district attorney. The remaining eight were arraigned Thursday, O'Shaughnessy said.

Clark urged the Board of Correction to "implement severe consequences" for violent inmates at Rikers Island, who have repeatedly assaulted fellow inmates and correction officers.

In June, Mayor Bill de Blasio, citing abundant misconduct in the jail complex, revealed a 10-year plan to shutter Rikers Island.

He proposed a network of smaller, borough-based jails to replace the facility, which would reduce the city's inmate population from 9,400 to 5,000 in the process. In order to achieve the population reduction, de Blasio pledged \$30 million to programs aimed at diverting inmates with mental health issues and those charged with low-level crimes to other institutions.

"We are building a correctional system that is smaller, safer and fairer — one in which jails are safe and humane," the mayor said at the time.

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Tags > Arrests & Sentencing

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CBS NEWS / February 12, 2018, 4:56 PM

# 4 charged in brutal attack

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Injured officer after an attack on Rikers Island / **CORRECTION OFFICERS' BENEVOLENT ASSOCIATION VIA CBS NEW YORK**

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Last Updated Feb 12, 2018 4:56 PM EST

**NEW YORK** -- A correction officer at Rikers Island was recovering from a spinal fracture Sunday, after authorities say several inmates beat him in a possible planned gang attack, CBS New York reports. It happened around 6:30 p.m. Saturday, when Elias Husamudeen, president of the Correction Officers' Benevolent Association, told CBS News Radio's 1010 WINS one inmate hit the 39-year-old officer before others jumped in, knocking him unconscious.

"The inmate was heard over the phone saying that he was going to knock out the corrections officer, so obviously it happened and they did it and now the officer is in the hospital," Husamudeen said.

The group assault was caught on surveillance cameras inside the facility. It shows the officer being sucker-punched by one inmate, and five others then race in to beat him to the floor.

Officers intervene and pepper-spray the attackers.

CBS2 Exclusive: Father Speaks After  
Correction Officer Is Attacked

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CBS New York spoke exclusively to the father of the officer who was attacked. Through an interpreter, Raphael Souffrant described what it was like seeing his son in the hospital Saturday.

"He was not able to talk," Souffrant said in French. "His head was extremely swollen and he had a brace on his neck."

Doctors at NewYork-Presbyterian Queens hospital told the family the officer had a fractured spine and bleeding in his brain. The officers' union did not name him because of security reasons.

"Whatever he does, he takes it very seriously," said the victim's cousin, Dr. Guy Yoma Souffrant. "He was doing his job."

The union alleged that the attack was premeditated and was retaliation for being written up by the officer the day before.

The attackers are said to be members of the Bloods and all of them were housed in a special unit for inmates 21 and younger who act out.

The officers' union blames Mayor Bill de Blasio for the attack. It said ever since he changed certain policies, the officers have felt unsafe.

Among the policies are punitive segregation.

"For us, punitive segregation has always acted as a jail within a jail. It gives us the right to segregate; separate these particular types of inmates from the other inmates and from correction officers, which further protects us. He took it away," Husamudeen said. "The mayor has declared war on New York City correction officers."

There was no response from the mayor late Sunday, but a representative tweeted that the mayor spoke with the officer Sunday and "will get to the bottom of this heinous attack and hold those involved accountable."



**Eric Phillips**  
@EricFPhillips

The Mayor just spoke to the officer. We'll get to the bottom of this heinous attack and hold those involved accountable. COs have one of the hardest jobs in city government - often thankless and always dangerous. [twitter.com/courtneycgross](https://twitter.com/courtneycgross)...

1:04 PM - Feb 11, 2018

25 21 people are talking about this

"I'm hoping that this never happens to another correction officer, because when my son leaves home to go to work, he goes there to work, and he was doing his job, and this should have never happened to him," Souffrant said.

Four inmates were charged late Sunday in connection with the incident. Steven Espinal, Devin Burns, Nazeem Francis, and Samson Walston were charged with

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multiple counts of gang assault, obstruction of government administration, and harassment, authorities said.

They are expected to be arraigned Monday.

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## Inmate breaks Rikers correction officer's nose after she intervened in fight

BY REUVEN BLAU JAMES FANELLI

NEW YORK DAILY NEWS Updated: Monday, March 12, 2018, 11:22 AM



The female officer was punched in the nose by inmate Xavier Blount after she used her chemical agent on Blount and other prisoners who refused to stop fighting, according to the jail officer's union. (COBA VIA TWITTER)

A Rikers Island correction officer suffered a broken nose Thursday night while trying to break up an inmate-on-inmate brawl — and her union blamed Mayor de Blasio for not keeping her safe.

The officer was punched in the nose by inmate Xavier Blount after she used her chemical agent on him and other prisoners who refused to stop fighting, according to the jail officer's union.

Correction Officers' Benevolent Association President Elias Husamudeen said the officer was in pain but recovering.

He said that inmates have been emboldened to attack officers because they do not fear repercussions. He blamed de Blasio for getting rid of punishments that inmates could face for attacks.

"We still have a mayor who is missing in action and out to lunch and refuses to protect correction officers," Husamudeen said.

The city Correction Department said Blount was arrested for the assault and praised its officers for working "tirelessly every day to provide a safe environment for everyone."

"Just like COBA, we too want safer jails and are dedicating the resources necessary to make that happen, including nearly \$4.5 million announced in February for new security measures," agency spokesman Peter Thorne said.





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The union said that more than 2,000 officers have been assaulted by inmates since de Blasio took office.

The number of attacks jumped 67% in the first six months of the fiscal year that started July 1 compared to the same period a year earlier, according to the union.

Last month, a Rikers officer suffered a fractured spine when five inmates brutally beat him in a premeditated attack. That officer is still in a hospital recovering from his injuries, according to the union.

Husamudeen said that in the past inmates who attacked officers could be isolated or lose their privileges to use the recreation yard, the commissary and the TV. But that changed under de Blasio, he said.

"This female correction officer should not be nursing a broken nose while this inmate is shopping and buying Doritos," he said.

The Correction Department said that the de Blasio administration created a dedicated arrest unit in the agency's Intelligence Bureau that works to prioritize cases against inmates for the Bronx District Attorney's Office to prosecute.

The total number of inmate arrests rose 41% to 1,126 in fiscal year 2017 from 796 in fiscal year 2015, according to the agency.

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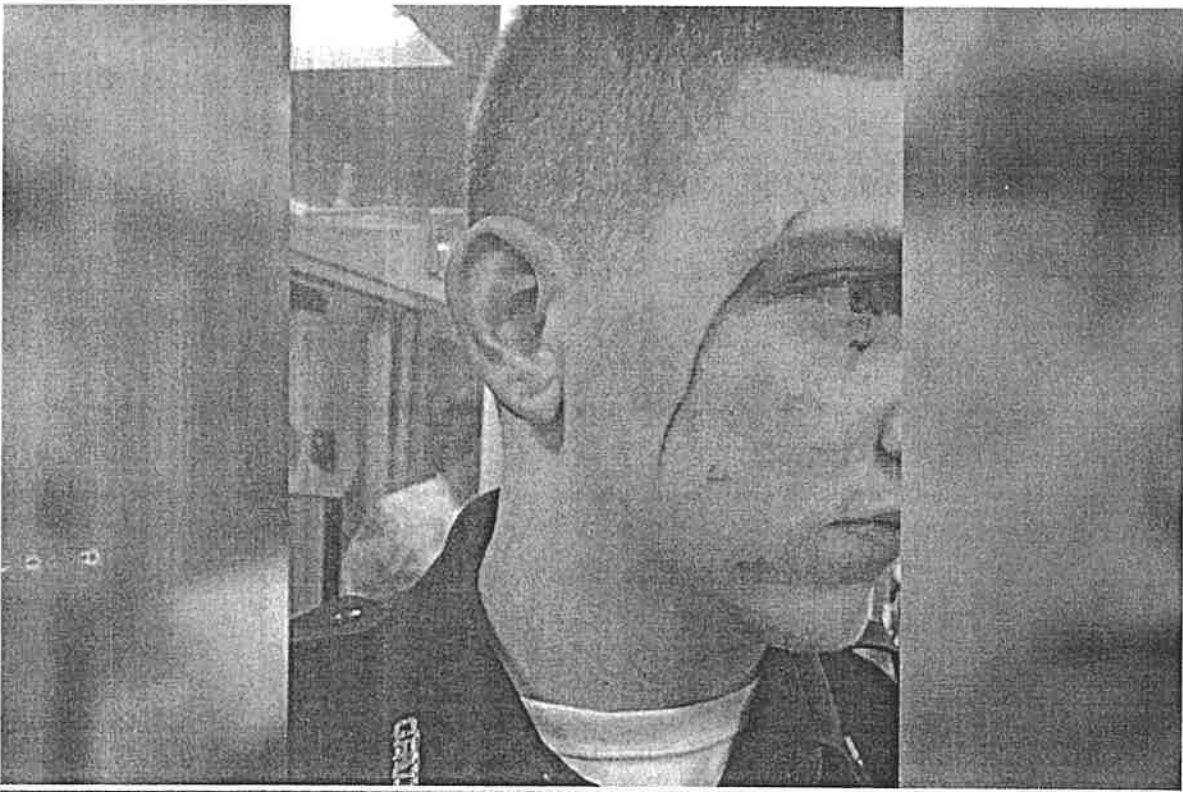


METRO EXCLUSIVE

## Guard slashed in face at Rikers Island

By Shawn Cohen and Stephanie Pagones

March 14, 2018 | 12:31pm | Updated



A Rikers inmate assaulted two correction officers — slashing one in the face — just a week after a guard had her nose broken and a month after another officer's neck was broken in a gang assault there, sources told The Post on Wednesday.

An officer was inside the George R. Verno Center just before 8 p.m. Tuesday when the inmate, Benjamin McMillan, approached and slashed him several times with a sharp object, sources said.

McMillan had just refused the guard's order to return a housing unit hot pot — instead handing the pot over to another inmate.

McMillan's attack caused a long gash on the officer's face, the source said.

As officers ran over to assist, McMillan resisted, assaulting a second guard by punching him in the chest while they worked to force him to the ground and restrain him.

The slashed officer was taken to Mt. Sinai Queens for his injury. The second victim was also taken to a local hospital.

No weapon was recovered at the scene, the source said, adding that there's "no way anything but a weapon could have caused what he got — you can't scratch something like that."

Surveillance cameras from the unit captured the assault.

McMillan was arrested after the incident, according to a Department of Correction spokesman.

"The inmate who assaulted our officers last night was arrested, and we will work with the Bronx DA to bring serious charges," Deputy Commissioner of Public Information Peter Thorne said in a statement. "Our officers work tirelessly everyday helping to keep fellow New Yorkers safe. They deserve our thanks, support and respect, nothing less."

The spokesman also noted how inmate arrests rose 41 percent in the 2017 fiscal year compared to 2015.

McMillan, who has a history of mental illness, has been at the facility since July on charges of assault and obstructing governmental administration.

On Feb. 10, Officer Jean Souffrant had his neck broken when he was beaten by five inmates in Rikers' George Motchan Detention Center at about 6:30 p.m.

Just last week, a female correction officer's nose was broken when an inmate punched her in the face while she was trying to break up a fight by a group of inmates, the source said.

"This is the third vicious inmate assault on a Correction Officer since Officer Jean Souffrant sustained a fractured neck following a gang assault on him last month. We should not have to beg the Mayor, the City Council, and the Board of Correction to keep us safe," Correction Officers' Benevolent Association president Elias Husamudeen said in a statement. "As long as they remain soft on crimes committed behind bars, jail violence will continue to rise in the city's jails, jeopardizing thousands of lives."

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**Gangsters beat Rikers Island correction officer to a pulp**

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## Correction officer burned, punched by inmate at Rikers Island

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7 on Your Side Investigates' Danielle Leigh has more on the attack of a correction officer on Rikers Island.

By Danielle Leigh

Monday, March 19, 2015

**RICKERS ISLAND, New York** -- Another correction officer was attacked at Rikers Island - making it the fourth attack by an inmate in just over a month.

The Correction Officer's Benevolent Association, the union representing correction officers, said the inmate, who was in jail on murder and assault charges, threw hot water at the officer's face and repeatedly punched him.

The assault happened Saturday night in an enhanced supervision housing unit.

The union said the inmate was also responsible for assaulting a different correction officer last year.

"We are heading down a real slippery slope, down a real dark alley," said COBA President Elias Husamudeen during a Sunday evening press conference called in response to the number of recent attacks. "We need these jails to be safe and we need these jails to be safe today."

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Last week, a female officer was reportedly punched in the face while escorting an inmate out of a Bronx criminal court and into a DOC vehicle, and in a separate incident the day before, a male officer was reportedly cut in the face by another inmate.

The attacks follow the violent assault on Officer Jean Souffrant, 39, who was hospitalized with a fractured spine after several inmates ruthlessly attacked him in February.

In another brutal attack caught on surveillance video last year, the inmate responsible for the beating of an officer had even called 311 threatening to kill an officer before the attack.

Husamudeen accused Mayor Bill de Blasio of failing to look out for the safety of correction officers and as a result allowing inmate assaults on officers to increase under de Blasio's watch.

"Do I think de Blasio wants to see anyone of us to get killed? No," Husamudeen said. "But, I don't think he cares enough to do anything to stop it from happening."

Husamudeen said COBA is calling on the city to remove hot pots freely accessibly by inmates immediately from Rikers to prevent another scalding water attack. He also called on the city to admit restrictions on punitive segregation for violent behavior hasn't worked and has led to an increase in officer assaults.

"We need stiffer penalties. We need harsher penalties," Husamudeen said.

In response to Saturday's attack, DOC Deputy Commissioner of Public Information Peter Thorne wrote in a statement, "Outrageous attacks like this, on an officer just doing his job helping keep the rest of us safe, are exactly why this inmate was immediately placed into more restrictive custody. This inmate will also be arrested and face serious charges."

Thorne's statement did not directly address Husamudeen's criticism of the Mayor's policies or concerns about what COBA calls an uptick in officer assaults.

A Mayor's Management Report by the Department of Correction examining the first part of fiscal year 2018 identified a 21.1% increase "serious injuries to staff as a result of inmate assaults compared to last year."

Thorne couldn't comment directly on the Mayor's Management Report Sunday night but provided alternative statistics indicating that while overall assaults on staff were up 2% in 2017 compared to 2016, assaults on staff resulting in serious or minor injury have decreased 16% in the last three years.

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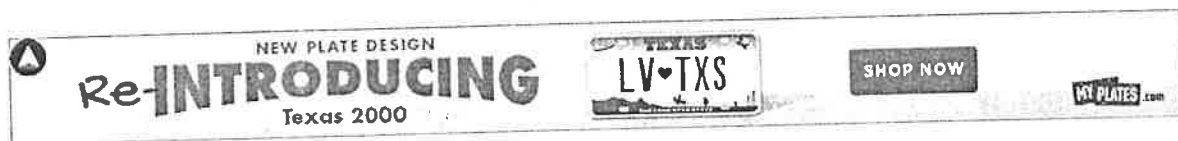
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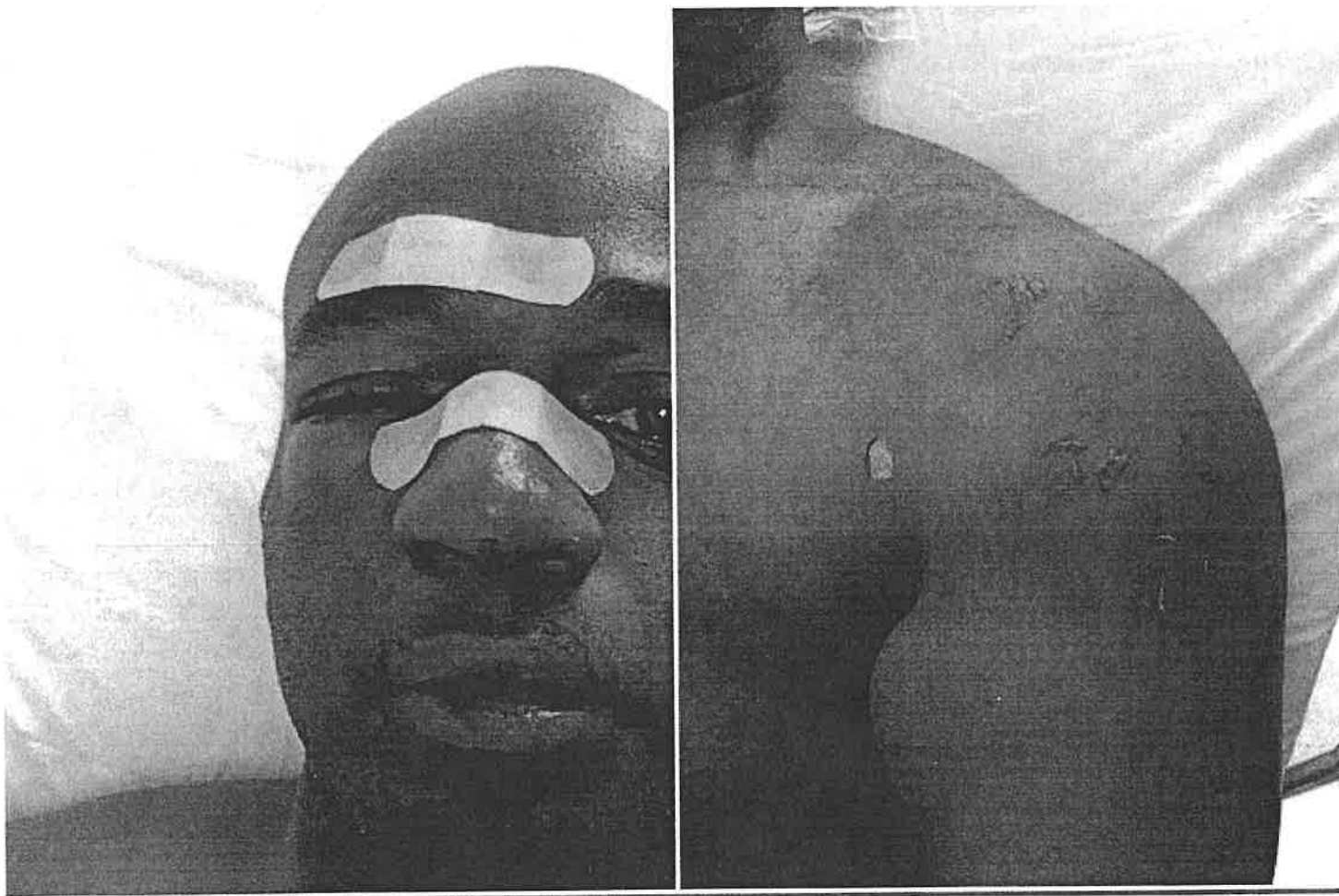


METRO

# Another Rikers officer beat up by inmate during ambush

By Shawn Corien and Emily Saul

March 18, 2018 | 5:40pm | Updated



A correction officer was attacked by an inmate on Rikers Island, suffering first- and third-degree burns and a broken nose during the ambush, officials said Sunday.

Inmate J'Von Johnson, who is awaiting trial for murder and assault charges, threw scalding water on the officer and then punched him repeatedly in the face as the law enforcement member completed his tour of the housing unit, according to Correction Officers' Benevolent Association President Elias Husamudeen.

The unnamed CO was transported to New York Cornell Hospital, where he was treated.

Johnson was behind an assault on another officer last year, also within the Enhanced Supervision Housing unit at the Otis Bantum Correctional Center, Husamudeen said.

The COBA President blasted Mayor de Blasio and the Correction Commission, and also personally addressed public Advocate Letitia James.

## SEE ALSO



"We have come to expect zero action from the Mayor and his Correction Commissioners over the past four years," his statement read. "So, we are calling on New York City Public Advocate Tish James and the entire New York City Council to act now to protect us. The Mayor is willing to have the blood of correction officers on his hands, are you?"

---

**Guard slashed in face at  
Rikers Island**

Saturday's assault is the fourth since Feb. 10, when purported Bloods gang members descended on Officer Jean Souffrant inside Rikers' George Motchan Detention Center, breaking his neck.

Another officer, Benjamin McMillan, was slashed across the face last Wednesday within the George R. Verno Center on Rikers, The Post exclusively reported.

"Outrageous attacks like this, on an officer just doing his job helping keep the rest of us safe, are exactly why this inmate was immediately placed into more restrictive custody," DOC Deputy Commissioner of Public Information Peter Thorne responded. "This inmate will also be arrested and face serious charges."

City Hall deferred comment to Thorne, while the Public Advocate's Office did not return a message.

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NEW YORK

# Jail officer attacked by three reputed gang members at Rikers Island

By REUVEN BLAU | NEW YORK DAILY NEWS | AUG 06, 2018 | 2:50 PM



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Correction officer's injured ear after he was attacked Saturday by Rikers Island inmates, (Correction Officers' Benevolent Association)



A city correction officer's ear was slashed during a fight with three inmates inside a Rikers Island jail over the weekend.

The officer needed five stitches behind his right ear and suffered a fractured right hand after he punched back when he was attacked inside the Robert N. Davoren Complex on Saturday at approximately 10 p.m., according to jail records.

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All the inmates involved are listed as Bloods members.

The union representing jail officers says the unnamed officer was talking to inmate Makik Quick when he suddenly became irate. Quick, 22, began to punch the officer, department records show.

The officer punched back, breaking his hand.

As the fight escalated, two other inmates joined the fray and attacked the officer, according to the Correction Officers' Benevolent Association.

"Thanks to Mayor de Blasio, it's open season on New York City correction officers once again," fumed Correction Officers' Benevolent Association. President Elias Husamudeen.

He pointed out that some of the inmates involved were 21 years old or younger, a population exempt from being punished with solitary confinement.

The Correction Department is investigating the attack, and the inmates involved will likely be rearrested and hit with additional charges, said department spokesman Peter Thorne.

"This is further evidence that correction officers have one of the most difficult jobs in law enforcement and deserve our appreciation and support," Thorne said.

That's not enough for Husamudeen, who argues the attacks against officers will continue unless the city puts those who act out into solitary or jail supervisors use alternate punishments.

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"In Mayor de Blasio's New York, the inmates are rewarded for assaulting correction officers by receiving zero consequences for their actions," he said.  
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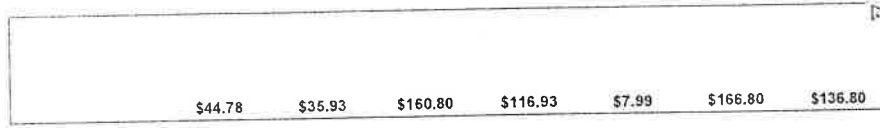
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## Corrections officers attacked in Brooklyn, Rikers Island

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MORE VIDEOS

Rob Nelson reports on the violent attacks on the correction officers.

Wednesday, August 08, 2018

**NEW YORK CITY (WABC) --** Authorities are investigating violent attacks on a correction officer in Brooklyn and officers at Rikers Island.

The officer at the Brooklyn Detention Center Complex was closing a gate on Tuesday when an inmate attacked, beating, punching and kicking the officer and at one point slamming him to the ground.

Eventually other officers came to the aid of their colleague, who suffered serious injuries and remains in the hospital, union officials said.

The incident was captured on camera.

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Video shows an inmate attacking a correction officer assaulted in the Brooklyn Detention Center

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"He definitely has a concussion because he was knocked unconscious and then continued to be pummeled by this inmate," said Elias Husamudeen, president of the Correction Officers Benevolent Association. "And if you watch the video, you see the size of this inmate."

He lashed out at the city, saying not nearly enough is being done to protect his officers.

Separately, several officers were also attacked on Tuesday at Rikers Island.

The Department of Correction says all inmates involved were re-arrested and moved to restrictive housing during the investigations.

"Multiple officers from two different facilities went to the hospital tonight after inmates assaulted them. We are working with the Brooklyn and Bronx district attorneys to make sure that the next facilities these inmates visit are state prisons," Deputy Commissioner of Public Information Peter Thorne said in a written statement.

Union officials responded on Wednesday by calling for the resignation of New York City Corrections Commissioner Cynthia Brann, saying the jails have become overrun with gang members who are running the jails.

"She has proven over the last three years to be in over her head and have no idea of what it means or what it takes to run a New York City jail system," said Husamudeen.

#### Briefing on assault of corrections officer in Brooklyn



The union representing correction officers says there have been more than 2,00 attacks on officers since 2014, mostly by incarcerated gang members.

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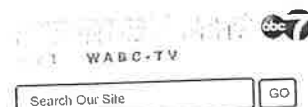
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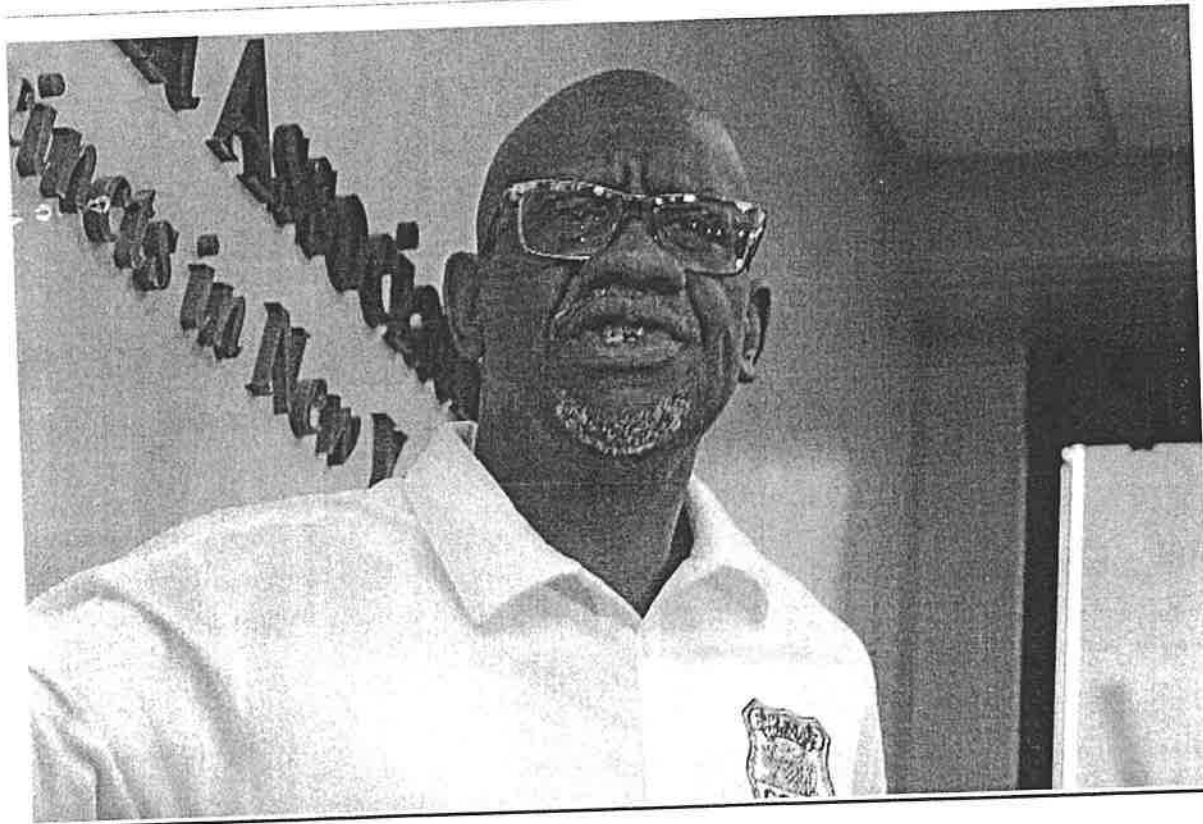


METRO

## Corrections officer attacked by 5 Bloods gang members

August 8, 2018 | 4:09pm | Updated

By Olivia Bensimon and Natalie Musumeci



Elias Husamudeen  
Brigitte Stelzer



Another city correction officer was attacked at a Rikers facility – this time by a pack of Bloods gang members, the president of the jail guards' union said Wednesday.

Elias Husamudeen, the president of the Correction Officers' Benevolent Association, said the officer was assaulted Wednesday afternoon with a cane by five Bloods members at The Bronx's Anna M. Kross Center. It came just a day after a Brooklyn correction officer was savagely beaten by an inmate accused of murder in an attack caught on surveillance footage.

The inmate who attacked the officer on Tuesday was also a Bloods member, Husamudeen said.

"All of this is going on while the commissioner does nothing," said Husamudeen as he called on Department of Correction Commissioner Cynthia Brann to resign from her post.

"We're calling for her resignation – it's time for her to go," Husamudeen said as he also put the blame for the spate of assaults on correction officers on Mayor Bill de Blasio.

"It's time for the mayor to do his job. All of this is happening because of his policies," Husamudeen said, adding, "The mayor has decided it was too cruel and inhumane to segregate [the inmates] and to remove them from [general] population to protect correction officers."

Husamudeen went on to say that Hizzoner "has marginalized the life of correctional officers. He's decided the life of mostly black and Latino and people of color is not worthy of his attention – him or the city council."

"Today what are they concerned about? Uber," Husamudeen said. "They're at City Hall worrying about Uber and we have corrections officers who are being beaten, beaten to death and they're worried about Uber."

Husamudeen said that since de Blasio took office in 2014, there have been more than 2,000 attacks on city correction officers.

In the past two weeks, there have been five attacks on correction officers, Husamudeen said.

#### SEE ALSO



The moment an inmate savagely attacks a city correction officer

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## Rikers Island correction officer attacked in alleged gang assault

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MORE VIDEOS

Josh Einiger has the latest on the attack on a Rikers Island correction officer.

Thursday, August 16, 2018

**RIKERS ISLAND (WABC)** -- Another corrections officer has been assaulted on Rikers Island, the latest of several recent attacks on officers in New York City prisons.

The incident happened around 1:30 p.m. Wednesday at the Otis Bantum Correctional Center.

According to the correction officers union, the officer was attacked by inmates described as gang members.

The officer suffered multiple injuries, including a wide, deep gash on his forehead.

This is the sixth assault in the last few weeks.

The officer was treated at the hospital, receiving nine stitches, and released.

"These people are not in jail for jaywalking or traffic citations," the officer said a press conference outside the hospital. "These people are in jail for a reason. They have nothing to lose, and the different programs they're provided for, they don't work. These inmates don't want to draw and create art in these housing areas. They're in there for a reason. Their mindset is criminal...Cops get hurt all the time. Firefighters get hurt, and it's known. Because we're over that bridge, we're out of sight, out of mind, where the public doesn't know what takes place in those jails."



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This is the product of creating policy based on inmate advocate groups. This is what happens," said the officer.

He emerged from the hospital with the nasty gash on his forehead and lacerations all over his body. The correction officer at times shook with rage at the policies he says led him there.

He was set upon at Rikers as he and his partner patrolled a 50-man housing area, filled in many cases, by violent gang members awaiting trial.

"The mayor through his policies and the commissioner who is in above her head have allowed the inmates to become so emboldened they feel they can do this and get away with it," said Elias Husamudeen of the Correction Officers Benevolent Association.

The mayor's focus has been on shutting Rikers down altogether, citing the violence that has plagued the infamous jail for decades.

"To implement this plan means a complete reshaping of our justice system," said Elizabeth Glaser of the Mayor's Office of Criminal Justice.

The city unveiled a rendering showing airy, light-filled waiting rooms and other facilities at four so-called community-based jails, one in every borough but Staten Island.

In Manhattan, they'll displace the DA's office and build a 40-story jail at 80 Centre, complete with street level retail and a garage.

But that will take ten years and in the meantime, New York's Boldest say the existing setup may get one of them killed. "Physically these injuries they heal but psychologically it feels like the city doesn't have your back," the injured officer said.

"They're putting our lives in danger, because of their policies," said Husamudeen.

The Department of Correction issued the following statement:

"While not a slashing, today's attack on a Correction Officer on Rikers Island is deeply troubling. The officer, who suffered an injury to his forehead, was taken to a local hospital for treatment. The attack was immediately broken up by two officers. Anyone involved will be re-arrested and placed in punitive segregation."

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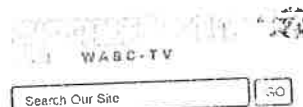
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